

Edward E. Bengs to be postmaster at Greendale, Wis. Office became Presidential January 1, 1940.

H. Shirley Smith to be postmaster at Holmen, Wis., in place of H. S. Smith. Incumbent's commission expired June 17, 1940.

Harris Gilbert Hanson to be postmaster at Iola, Wis., in place of H. G. Hanson. Incumbent's commission expired July 30, 1939.

Clarence L. Peck to be postmaster at Kennan, Wis., in place of C. L. Peck. Incumbent's commission expired July 1, 1940.

Rudolph H. Wirth to be postmaster at Lake Tomahawk, Wis. Office became Presidential July 1, 1940.

Mary E. Meade to be postmaster at Montreal, Wis., in place of M. E. Meade. Incumbent's commission expired July 1, 1940.

Margaret F. McGonigle to be postmaster at Sun Prairie, Wis., in place of Margaret McGonigle. Incumbent's commission expired June 1, 1940.

Richard M. Grimsrud to be postmaster at Westby, Wis., in place of R. M. Grimsrud. Incumbent's commission expired February 14, 1940.

#### WYOMING

Anna P. Davis to be postmaster at Green River, Wyo., in place of O. O. Davis, deceased.

Althea E. Rollins to be postmaster at Lyman, Wyo., in place of A. E. Rollins. Incumbent's commission expired July 1, 1940.

Frank L. Hunter to be postmaster at Osage, Wyo., in place of M. A. Jackson. Incumbent's commission expired February 5, 1940.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate November 29 (legislative day of November 19), 1940*

##### DIPLOMATIC AND FOREIGN SERVICE

William D. Leahy to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

John Campbell White to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti.

##### COLLECTOR OF INTERNAL REVENUE

Joseph D. Nunan, Jr., to be collector of internal revenue for the first district of New York.

##### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

###### TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. John Floyd McCartney.

Capt. John Wilson Huyssoon.

###### TO QUARTERMASTER CORPS

Maj. O. D. Wells.

Capt. George Edwin Steinmeyer, Jr.

##### APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

###### TO BE COLONELS

Harold Mark McClelland

Edmund Walton Hill

Wolcott Paige Hayes

Walter Francis Kraus

###### TO BE LIEUTENANT COLONELS

Don Lee Hutchins

Ennis Clement Whitehead

Clarence Herbert Welch

Alfred Jefferson Lyon

###### TO BE MAJORS

James Bell Burwell

Charles Winslow O'Connor

Charles Herman Deerwester

Bernard Alexander Bridget

##### APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES OF THE ARMY OF THE UNITED STATES

###### GENERAL OFFICERS

Heber Leutner Edwards to be brigadier general, Adjutant General's Department, National Guard of the United States.

Luis Raul Esteves to be brigadier general, National Guard of the United States.

###### POSTMASTER

###### KENTUCKY

Ernest Muster, East Bernstadt.

## SENATE

MONDAY, DECEMBER 2, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, whose love reacheth to the ends of the world, who art always long-suffering, abundant in goodness and truth: We stand in Thy presence, and because of our unworthiness we know not how to speak; yet from our contrite hearts we pray that by Thy grace we may cast away the works of darkness and put upon us the armor of light in these days of testing and of judgment in the world. And as once more we dedicate ourselves to the highest, holiest things in life, so do we dedicate the country Thou hast given us to a purer, nobler patriotism and a deeper, finer loyalty to the kingship of Thy well-beloved Son. And if there be among us those who are cast down amid the ruins of their happiness or of their integrity, give them the courage to rise up and to rebuild the holy places, in the name and by the methods of Him who by His tender love toward mankind hath become for us the true and living way that leads to the city of our God, even Jesus Christ, Thy Son, our Lord. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, November 29, 1940, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on November 29, 1940, the President had approved and signed the following acts:

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department, and for other purposes; and

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps.

#### CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of ERNEST W. McFARLAND, duly chosen by the qualified electors of the State of Arizona a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HARRY S. TRUMAN, duly chosen by the qualified electors of the State of Missouri a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

#### SENATOR FROM CONNECTICUT—CREDENTIALS

Mr. DANAHER. Mr. President, I send to the desk credentials, duly certified to by the Governor and the secretary of state of the State of Connecticut, showing that FRANCIS MALONEY was duly chosen by the qualified electors of the State of Connecticut to be a Senator from that State for the term of 6 years beginning on January 3, 1941.

The PRESIDENT pro tempore. The credentials will be read and filed.

The credentials were read as follows:

STATE OF CONNECTICUT,  
EXECUTIVE DEPARTMENT.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the fifth day of November nineteen hundred and forty FRANCIS MALONEY was duly chosen by the qualified electors of the State of Connecticut a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January nineteen hundred and forty-one.

Witness: His Excellency our Governor, Raymond E. Baldwin, and our seal hereto affixed at Hartford, this 29th day of November, in the year of our Lord nineteen hundred and forty.

RAYMOND E. BALDWIN, Governor.  
SARA B. CRAWFORD, Secretary.

[SEAL]

## GENERAL ELECTION ON NOVEMBER 5, 1940

The PRESIDENT pro tempore laid before the Senate a letter from the Under Secretary of State, transmitting certain correspondence relating to the general election on November 5 last, which, with the accompanying papers, was ordered to lie on the table.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED—  
REPORT OF NAMES, ADDRESSES, AND PAYMENTS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Agriculture, submitting a report, pursuant to law, as to the name, address, and amount of payment to each person receiving \$1,000 or more under the 1938 programs administered under provisions of the Soil Conservation and Domestic Allotment Act, as amended, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

## RELIEF OF CERTAIN DISBURSING OFFICERS

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to relieve disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status, which, with the accompanying paper, was referred to the Committee on Claims.

## REPORT OF DISTRICT COMMISSION ON LICENSURE, ETC.

The PRESIDENT pro tempore laid before the Senate a letter from the president of the Commission on Licensure Healing Arts Practice Act, District of Columbia, submitting, pursuant to law, the report of the Commission for the fiscal year ended June 30, 1940, which, with the accompanying report, was referred to the Committee on the District of Columbia.

## PETITION

Mr. TYDINGS presented a resolution unanimously adopted by the Society for the Americas, Brooklyn, N. Y., favoring the granting of statehood to the Territory of Hawaii, which was referred to the Committee on Territories and Insular Affairs.

## NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, on numerous occasions I have called the attention of the Senate to the great injustice being done the people of the District of Columbia through the continued denial to them of those fundamental rights of representation in our Government enjoyed by all other Americans. Now, of all times, when representative democratic government has been banished from so many countries and we are claiming to hold high the banner of democracy, there appears to me to be special need for us to remove this serious blot from our own democracy. The first step to accomplish this is to amend the Constitution so as to make possible the participation by the people of the District of Columbia, through their duly elected representatives, in the councils of this great Nation.

It was my hope, after our Democratic friends put a District of Columbia suffrage plank in their national Democratic platform, that the long fight of these good Americans of the District would be ended shortly so far as the initial steps by Congress were concerned. With the reporting by the House of Representatives Committee on the Judiciary of the Sumners proposed amendment to the Constitution (H. J. Res. 257-S. J. Res. 288) and the support of that proposition announced by the leaders of both of the major parties in the House and Senate, there was promise of immediate favorable action. I thought that surely the Congress by two-thirds vote of each House would send the proposed amendment on to the several State legislatures for ratification. I entertained the hope that this would be done before the national election, but in this I have been disappointed.

This act of simple justice must be performed early in the Seventy-seventh Congress. The people of the District desire and are entitled to have these privileges. No sound American reason can be given for longer denying them. Congress can no longer afford to continue so un-American a condition to exist at the Nation's Capital, unless it is willing to confess

unbelief and faith in a representative democratic form of government.

I notice that at a recent meeting of the Society of Native-Born Washingtonians resolutions were adopted indicating a determination to press this proposal before the Seventy-seventh Congress. As these resolutions are of timely interest, I submit them for publication in the RECORD and for proper reference.

The PRESIDENT pro tempore. Without objection, the resolutions will be printed in the RECORD and referred to the Committee on the Judiciary, to which measures proposing a constitutional amendment for the purpose indicated have been referred.

The resolutions presented by Mr. CAPPER and referred to the Committee on the Judiciary are as follows:

Whereas the Society of Natives of the District of Columbia has, from the day of the organization, supported the proposal to amend the Constitution of the United States so as to empower the Congress to grant to the people of the District of Columbia voting representation in the Senate and House of Representatives and among the electors of President and Vice President, as well as the right to sue and be sued in the courts of the United States; and

Whereas the Democratic National Convention at Chicago included in its 1940 national party platform the following plank: "We also favor the extension of the right of suffrage to the people of the District of Columbia"; and

Whereas the party leaders and many members of both parties in both the Senate and House of Representatives have, through interviews in the press and by other means, declared their support of these proposals to Americanize the Washingtonians and thus permit them to participate with other Americans in the councils of the Nation: Therefore be it

*Resolved by the Society of Natives of the District of Columbia in meeting assembled this 25th day of November 1940:*

1. That we congratulate the members of the District delegation to the Democratic National Convention for their success in obtaining the adoption of the District suffrage plank in the 1940 platform—the first time any such plank was inserted in the national platform of any political party—and to express to them the sincere hope that the local Democratic organization will see to it that this platform pledge is kept.

2. That we call on the leaders of both the Democratic and Republican Parties in both Houses of Congress to take early and favorable action on the proposed constitutional amendment in the approaching session of the Seventy-seventh Congress, so that it may be submitted to the States and ratified and the people of the District of Columbia be enabled to vote in the next national election.

3. That we favor the proposal known as the Sumners amendment (H. J. Res. 257, 76th Cong., in its original form) and pledge to the Citizens' Joint Committee on District of Columbia National Representation, of which our honored member, Theodore W. Noyes, is chairman, our continued and hearty support in favor of that proposal.

*Resolved further*, That the President of this society be, and he is hereby, authorized and directed to, in the name of the society, petition the House and Senate of the Seventy-seventh Congress for the passage of the Sumners resolution, and that such petition be filed as soon as it shall be reintroduced.

Adopted by unanimous vote.

## BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

S. 4434. A bill to expedite the fulfillment of the national-defense program by providing a method for the settlement of labor disputes in defense industries without resort to strikes and lock-outs; to the Committee on Education and Labor.

By Mr. O'MAHONEY:

S. J. Res. 306. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee; to the Committee on the Judiciary.

## ECONOMIC DEFENSE BOARD

Mr. VANDENBERG. Mr. President, I introduce a bill to create the economic defense board of the United States.

It is predicated on the unescapable fact that, regardless of the trends of military war, we face an inevitable international economic war which will be just as ruthless and, in its economic aspects, just as deadly as the military war, regardless of the outcome of the latter. Indeed, we are in it already.

But we have no adequate national instrumentality through which to cope with this economic war. We have no



concentrated responsibility anywhere in the Government to plan and execute our essential international protections in this vital economic field.

Our foreign-trade controls are scattered through the Tariff Commission, which still theoretically administers the flexible tariff; the State Department, which still theoretically administers reciprocal tariffs on an unconditional most-favored-nation basis, which obviously is no longer possible and cannot be in a world at economic war; the Export-Import Bank; the R. F. C.; the White House; the Department of Commerce—a final total of at least 30 agencies dealing with this uncoordinated and therefore ineffectual undertaking.

This bill proposes to bring this total effort into one united undertaking where the whole problem can be met as circumstances may require from time to time. It abolishes the Tariff Commission and transfers its functions to the new economic defense board. It transfers reciprocal-trade agreements from the State Department to the new economic board, and thus, incidentally, distinguishes between the foreign commercial and financial activities of the United States, on the one hand, and its diplomatic and political activities, upon the other. It creates an instrumentality clothed with authority to combat barter with barter, if desirable, and to deal realistically with all of the other economic devices which are now used, far more often than tariffs, to dominate and channel foreign trade. It reasserts the constitutional responsibility of the Congress, yet does not hamper realistic results. In a word, it is an essential part of the national defense which should no longer be left to pell-mell expediency or to fortuitous circumstance.

Mr. President, I hasten to say that a subject of this magnitude cannot be reduced to adequate or appropriate legislative pattern by any one man or set of men. I disclaim any notion that there is finality in a single word or phrase of this proposal. It is simply a conscientious effort to personify and dramatize a problem. Its sole hope is that it may raise a concrete issue and invite its effectual study.

This bill follows the general lines of an original proposal which I introduced last spring. It was refined in a proposal submitted by Representative WOODRUFF of Michigan in the House last October after many mutual consultations. It is here further refined and presented as a text for exploration and advice by all the American people, in and out of the Government, who deal with these interrelated problems of foreign and domestic trade. It asks parity protection for American agriculture, preservation of American industrial wage and living standards and price levels, and every possible aid to American export. It asks national, economic defense.

I ask that the bill be referred to the Finance Committee, and that it may be printed in the CONGRESSIONAL RECORD so that we may invite the broadest possible discussion and advice.

The PRESIDENT pro tempore. Without objection, the bill will be received, referred as requested, and printed in the RECORD.

There being no objection, the bill (S. 4435) to provide for the economic defense of the United States, and for the protection of American price and wage levels and American standards of living against destructive foreign competition, and for the protection and promotion of American foreign trade, and for other purposes, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That this act may be cited as the "Economic Defense Act of 1940."

#### DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress—

(a) To promote effective policies and to provide efficient administrative machinery for the economic defense of the United States;

(b) To protect American agriculture, labor, and industry from unfair and destructive foreign competition in the home market, and thereby to maintain American price and wage levels, working conditions, and living standards against competition from countries employing low-wage or forced labor or having depreciated currencies;

(c) To provide the United States with the means of effectively preserving and developing its export trade in the face of disturbed world conditions, present and prospective, and in competition with state-controlled foreign economies;

(d) To encourage the exchange of products between the United States and foreign nations on a mutually advantageous basis, having due regard for the interests of American producers and consumers and for the general welfare of the United States;

(e) To provide adequate governmental assistance in facilitating and in financing exports and imports and the exchange of commodities between the United States and other nations or the agencies or nationals thereof;

(f) To restore to the Congress its constitutional control over the regulation of foreign commerce and the adjustment of tariff duties, and to require that all governmental activities with respect to the foreign trade of the United States shall be administered in accordance with policies and legislative standards established by the Congress;

(g) To promote policies with respect to the foreign commercial and financial activities of the United States that will supplement and conform to national domestic policies;

(h) To provide for separate and unified administration of the foreign commercial and financial activities of the United States (as distinguished from the diplomatic and political activities thereof);

(i) To eliminate overlapping and duplication of effort and to reduce expenditures in the administration of foreign commercial and financial activities of the United States;

(j) To maintain uniform, accurate, and current records of the commercial and financial relations of the United States with each individual foreign country.

#### ECONOMIC DEFENSE BOARD

SEC. 3. (a) There is hereby established an agency of the Government to be known as the Economic Defense Board (hereinafter referred to as the Board). The Board shall be composed of six members, who shall be appointed by the President, by and with the advice and consent of the Senate, and one of whom the President shall designate as chairman and one as vice chairman. The members of the Board shall be so selected as to afford the broadest possible representation to agriculture, industry, labor, finance, commerce, and transportation, through the appointment of persons duly qualified and experienced in one or more of each of the fields named, and so as to afford representation of each of the principal geographic regions of the country. Not more than three members of the Board shall be members of the same political party. Each member shall devote his full time to the business of the Board. Each of the members of the Board shall receive a salary at the rate of \$10,000 per annum. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(b) Terms of office of the members first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of nomination, one at the end of each of the first 6 years after the date of the enactment of this act. The term of office of a successor to any such member shall expire 6 years from the date of the expiration of the term for which his predecessor was appointed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) The Board is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures, as may be necessary for carrying out its functions, in the same manner as is now provided by law for the United States Tariff Commission. The Board may delegate any of its functions to such of its officers and employees as it may designate.

(d) The Board may, with the consent of any Government agency, including any field service thereof, avail itself of the services of the officials, employees, and facilities thereof, and secure any information necessary for the carrying out of its functions. All such agencies shall make available to the Board (upon request, and whenever practicable in the form requested) any information, statistics, and data they may have available pertaining to world trade or other matters relating to the functions of the Board: *Provided*, That any such information, statistics, or data may be made available in confidence, if, in the judgment of the President, it is incompatible with the public interest to have them made public.

(e) The chairman of the Board shall be chairman ex officio of the board of trustees of the Export-Import Bank of Washington.

#### TRANSFER OF FUNCTIONS OF TARIFF COMMISSION

SEC. 4. (a) The United States Tariff Commission is hereby abolished, and all of its functions are transferred to the Board. All provisions of law applicable to the United States Tariff Commission shall, insofar as they are not inconsistent with the provisions of this act, be applicable in the same manner and to the same extent to the Board.

(b) All officers and employees (except the Commissioners), and all property (including office equipment and official records) of the United States Tariff Commission, and such officers and employees and such property (including office equipment and official records) of the Department of State as the President shall determine to have been employed or used in the exercise of the functions transferred by section 10 and shall specify by Executive order, are transferred to the Board. The transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. Such of the personnel so transferred as do not already possess a classified civil-service status shall not

acquire such status by reason of such transfer except (1) upon recommendation of the Board within 1 year after such personnel have been so transferred and certification within such period by the Board to the Civil Service Commission that such personnel have served with merit for not less than 6 months prior to the transfer, and (2) upon passing such suitable noncompetitive examinations as the Civil Service Commission may prescribe.

(c) All unexpended balances of appropriations available for use by the United States Tariff Commission, and such unexpended balances of appropriations as the President shall determine to have been available for expenditure by the Department of State in the exercise of the functions transferred by section 10 and shall specify by Executive order, are transferred to the Board and shall be available for expenditure by it in the exercise of its functions.

#### MODIFICATION OF EXISTING DUTIES OR OTHER IMPORT RESTRICTIONS

SEC. 5. (a) In order to maintain at all times duties and other import restrictions which conform to the policy of Congress by this act intended, and to provide for the prompt and scientific readjustment thereof in accordance with such policy, the Board (1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the Board there is good and sufficient reason therefor, upon the application of any interested party, shall investigate the conditions of competition in the domestic market between any domestic product and like or similar foreign products. In the course of its investigation the Board shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The Board is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Board shall report to the President the results of its investigation and its findings with respect to such conditions of competition. If the Board finds it shown by the investigation that the existing duties or other import restrictions do not equalize the difference in the American selling price of the domestic article and the import price of the like or similar foreign article, the Board shall specify in its report such increases or decreases as it finds shown by the investigation to be necessary to equalize such difference.

(b) The President shall by proclamation approve the increase or decrease in duties or other import restrictions specified in any report of the Board under this section, if in his judgment such changes are shown by such investigation of the Board to be necessary to equalize such difference in price between the domestic article and the like or similar foreign article.

(c) Nothing in this section shall be construed to allow the increase or decrease of any existing duty or import restriction by more than 50 percent of the statutory rate established by act of Congress; but the Board may recommend, and the President may proclaim, transfers from the dutiable list to the free list or from the free list to the dutiable list, provided that such transfers shall not take effect for 90 days in which time a resolution by either or both branches of Congress shall suspend and nullify the transfer. Where the Board finds that the limitations imposed by this subsection operate to restrict the changes which it would otherwise specify in its report to the President, it shall make a report of such fact to the Congress and recommend for appropriate action by the Congress such further changes as it deems necessary to carry out the purposes of this section.

(d) Commencing 30 days after the date of any Presidential proclamation of approval, the changes in duties or other import restrictions specified in the report of the Board shall take effect.

(e) Any increased or decreased duty or other import restriction which has taken effect as provided in this section may be modified or terminated in the same manner and subject to the same conditions and limitations as is provided in this section in the case of original changes.

(f) The President is authorized to make all needful rules and regulations for carrying out his functions under the provisions of this section.

(g) For the purposes of this section—

(1) the term "domestic article" means an article wholly or in part the growth or product of the United States; and the term "foreign article" means an article wholly or in part the growth or product of a foreign country;

(2) the term "United States" includes the several States and Territories and the District of Columbia;

(3) the term "foreign country" means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions);

(4) the term "duties and other import restrictions" includes (1) rate and form of import duties and classifications or articles, and (2) limitations, prohibitions, charges, and exactions other than duties, imposed on importation or imposed for the regulation of imports;

(5) the term "existing" as applied to duties and other import restrictions means duties and import restrictions in effect at the time of the enactment of this act;

(6) the term "American selling price" means the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for delivery, at which a domestic article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market, or the price that the manufacturer, producer, or owner would have received or

was willing to receive for such merchandise when sold in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the like or similar imported article: *Provided*, That in the case of agricultural commodities, the American selling price shall not be deemed to be less than the parity price therefor, as defined in paragraph (7) of this subsection;

(7) the term "parity price" as applied to agricultural products means (A) the price that will give the domestic agricultural product the same purchasing power, with respect to nonagricultural products, as such product had during the period August 1909 to July 1914, as ascertained from the latest available statistics of the Department of Agriculture by the Secretary of Agriculture, except that (B) in the case of any product with respect to which the Secretary of Agriculture has ascertained the fair exchange value or parity price under any agricultural adjustment or conservation program in effect since September 31, 1932, the parity price shall be the latest price so ascertained; and

(8) the "import price" means the price paid for an imported article by the person by whom or for whom it is imported, plus, when not included in such price, the cost of all containers and coverings, transportation (not including transportation within the United States), and all other costs, charges, and expenses (except import duties and other import restrictions) incident to the delivery of such goods in the United States.

(h) Section 336 of the Tariff Act of 1930, as amended (flexible tariff provision), is hereby repealed.

#### RECIPROCAL-TRADE AGREEMENTS

SEC. 6. (a) For the purpose of expanding the foreign trade of the United States, the President is hereby authorized to enter into negotiations with any foreign government or instrumentality thereof with a view to the arrangement of trade agreements wherein reciprocal and mutually advantageous concessions may be secured; but such trade agreements shall not become effective for 90 days in which time a resolution by either or both branches of Congress shall suspend and nullify the trade agreement. The President shall consult with the Board in connection with the negotiation of such trade agreements, and it shall be the duty of the Board to recommend to the President such concessions on the part of the United States as the Board deems may be made without injury to any substantial branch of domestic agriculture, labor, or industry, and the President shall make no concession on the part of the United States which is not approved by the Board. No existing duty or other import restriction shall be reduced under the provisions of this subsection by more than 50 percent of the statutory rate established by act of Congress. Before any trade agreement is negotiated with any foreign government or instrumentality thereof under the provisions of this subsection, the President shall give reasonable notice of the intention to negotiate an agreement with such foreign government or instrumentality, and any interested person shall have a reasonable opportunity to present his views to the Board, either orally or in writing. The concessions on the part of the United States made under any such trade agreement may be extended by proclamation of the President to any other countries if, after investigation and report to him by the Board, he finds as a fact that through the extension of such concessions to another or to other countries concessions or benefits of comparable value will be extended to the United States by such other country or countries.

(b) The authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended, is hereby terminated.

(c) Each foreign trade agreement heretofore entered into under section 350 of the Tariff Act of 1930, as amended, shall be terminated by the President on the earliest date on which it is possible to terminate such agreement (whether for cause or otherwise) without violating the terms thereof.

#### EXCHANGE OF COMMODITIES

SEC. 7. (a) For the purpose of promoting the foreign trade of the United States, extending the foreign markets of the United States, or advantageously disposing of surplus commodities of the United States in export markets, the Board, by and with the advice and consent of the President, is authorized to negotiate and conclude with foreign countries or their nationals agreements or arrangements (1) for transactions providing for the exchange of articles grown, produced, or manufactured in the United States for articles grown, produced, or manufactured in foreign countries, and (2) fixing the terms and conditions of such exchange. Nothing in this section shall be deemed to authorize any change in the rate of import duties applicable with respect to any article involved in such exchange.

(b) Any such agreement or arrangement may provide for the disposal of any commodities owned or held by any Government agency, and such agency may, with the approval of the President, dispose of such commodities in the manner and for the purposes provided for by such agreement or arrangement, without regard to any other provision of law relating to the disposal of such commodities. Any Government agency may acquire any commodities in the manner provided for by any such agreement, and may use or dispose of such commodities in any way authorized by law or may hold and store such commodities until their disposition shall be provided for by law.

#### GENERAL POWERS AND DUTIES

SEC. 8. In order to effectuate the policy of this act, the Board shall, in addition to carrying on the functions transferred to or conferred upon it by other provisions of this act—

(a) Coordinate the foreign commercial and financial policies and activities of the Government;



(b) Obtain, review, and coordinate the information, statistics, and data pertaining to foreign trade and financial activities collected or prepared by any Government agency, or elsewhere;

(c) Advise the President and the Congress, from time to time or upon request, on all matters affecting the foreign commercial or financial policies and activities of the United States, and recommend such additional measures for the economic defense of the United States as it may deem necessary or advisable;

(d) Approve, forbid, or modify any specific foreign-trade or financial transaction in which any Government agency participates as a party, whether a financing transaction, barter transaction, or in any other form. No Government agency shall conclude any such transaction without the approval of the Board;

(e) Carry on negotiations with respect to specific trade transactions with any individual, corporation, association, group, or business agency interested in obtaining assistance from the Government with respect to (1) financing transactions, (2) barter transactions, or (3) any other form of foreign-trade transactions. The Board shall bring such proposals with respect to these transactions as it deems necessary to the attention of any other Government agency affected by, or having an interest therein, for appropriate action, and shall keep the President advised concerning the action proposed by such other agency. If any Government agency authorized to participate in any such transaction refuses to participate in such manner as may be recommended to it by the Board, the Board shall make a special report to the President and to the Congress concerning such refusal; and

(f) Assist the President in the preparation of commercial, trade, and financial agreements or treaties with foreign countries by making such investigations, conducting such negotiations, and holding such hearings as the President may prescribe, and by making recommendations to the President in connection therewith.

#### REPORTS ON CERTAIN FINANCIAL TRANSACTIONS

SEC. 9. Whenever the Board finds as a fact, on the basis of information obtained by it and after such further investigation as it deems necessary that any foreign country is discriminating against citizens of the United States in the payment of obligations contracted by it or by its nationals, either as to the manner or amount of such payments, or is unnecessarily withholding or delaying such payments to citizens of the United States, it shall report to the Congress and to the President its findings and recommendations.

#### FUNCTIONS TRANSFERRED FROM DEPARTMENT OF STATE

SEC. 10. The functions transferred to or vested in the Secretary of State and the Department of State by subsections (a) and (b) (relating to the functions of the Foreign Commerce Service of the United States and the Foreign Agricultural Service of the United States) of section 1 of Reorganization Plan No. II, submitted to the Congress on May 9, 1939, are transferred to and shall be exercised by the Board.

#### FURTHER REORGANIZATION BY THE PRESIDENT

SEC. 11. (a) The President shall investigate the present organization of all Government agencies which deal directly or indirectly with the foreign commercial and financial activities of the United States and shall determine what changes therein are necessary to accomplish any of the following purposes:

(1) To separate the administration of foreign commercial and financial activities of the United States from the administration of diplomatic and political activities thereof;

(2) To eliminate overlapping and duplication of effort; and

(3) To reduce expenditures in the administration of foreign commercial and financial activities to the fullest extent consistent with the efficient operation of the Government.

(b) After such investigation, the President may transmit to the Congress, under the provisions of the Reorganization Act of 1939, a reorganization plan affecting such agencies insofar as their functions relate to such foreign commercial and financial activities. The provisions of section 3 (b) and section 12 of the Reorganization Act of 1939 shall not be applicable with respect to such plan, but the plan shall not take effect unless it is transmitted to the Congress within 2 years after the date of enactment of this act.

#### PENDING PROCEEDINGS

SEC. 12. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any Government agency or function transferred to the Board under the provisions of this act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against any such agency or any officer of the United States, in his official capacity or in relation to his discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties to the Board or any officer thereof under the provisions of this act, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Board or any officer thereof to whom the authority, powers, and duties are transferred.

#### ANNUAL REPORT

SEC. 13. The Board, in addition to making other reports required of it, shall make a report to the Congress at the beginning of each regular session containing a statement of its expenditures during the past fiscal year, a summary of its activities, and such recommendations as it may deem calculated to promote the efficiency of the board and the purposes of this act.

#### DEFINITION

SEC. 14. When used in this act, the term "Government agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government.

#### SEPARABILITY

SEC. 15. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### EFFECTIVE DATES

SEC. 16. The provisions of section 3 of this act shall take effect upon the date of its enactment; and the provisions of all other sections of this act shall take effect upon the sixtieth day after the date of its enactment.

#### BILL RECOMMITTED

On motion of Mr. KING, the bill (H. R. 10418) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey was taken from the calendar and recommitted to the Committee on the District of Columbia.

#### CAMPAIGN EXPENDITURES—EXTENSION OF TIME FOR COMMITTEE'S REPORT

Mr. GILLETTE. I submit a resolution, which I ask may lie on the desk.

The Special Committee to Investigate Campaign Expenditures, under the terms of its organization, is to report on the first day of the next term of Congress. In the course of our work we have been investigating the expenditure of large sums of money throughout the Nation, and to enable us to secure a complete picture we have to have the reports from the various State central committees. Many of these committees are not required to report until 30 days subsequent to the election; as a result many of them have not yet filed their reports and will not have to do so before the 5th day of December. Because of that, we have not the material, and it may well be that, with the Christmas season intervening, we will not have the report ready to file on the first day of the opening of the next Congress.

The resolution I have submitted, which may be necessary, merely proposes to extend the time for filing a report to the 20th of January, and, if necessary, a member of the committee will call it up.

The PRESIDENT pro tempore. The resolution will be received and lie on the table.

The resolution (S. Res. 336) was ordered to lie on the table, as follows:

*Resolved*, That Resolution No. 212, agreed to February 9, 1940, authorizing a Special Committee to Investigate the Campaign Expenditures of Presidential, Vice Presidential, and Senatorial Candidates in 1940, hereby is continued in full force and effect until the committee shall submit its final report, which shall not be later than January 20, 1941.

#### RECONCENTRATION OR REWAREHOUSING OF COTTON

Mr. McKELLAR. Mr. President, on behalf of the Senator from Georgia [Mr. GEORGE], the Senator from Mississippi [Mr. BILBO], the Senator from Texas [Mr. SHEPPARD], the Senator from Missouri [Mr. TRUMAN], and myself, I submit a resolution, which I ask to have read, and then I shall ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read. The resolution (S. Res. 337) was read as follows:

*Resolved*, That the Commodity Credit Corporation and the Department of Agriculture be, and they are hereby, requested not to ask for, or, if already asked for, not to receive bids or make contracts for the reconcentration or rewarehousing of cotton in the Southern Cotton States until the matter can be taken up and considered by the Congress at its ensuing January session.

Mr. McKELLAR. Mr. President, I desire to make a brief explanation of the resolution.

Recently the Commodity Credit Corporation asked for bids for rewarehousing the Government cotton which is now warehoused largely in the interior warehouses of the southern part of the country. It seems that one or two of the larger cotton dealers who have heretofore used warehouses of their own, built by them for their own business, in view of the fact that their business has fallen off on account of the war in Europe,

have earnestly insisted that the cotton be taken out of the interior warehouses and sent to their warehouses along the coast.

The entire southern delegation, so far as the Senator from Georgia and I have been able to find out—and a considerable number of them were here last week—are protesting in person against the rewarehousing of this cotton right in the middle of the year, without any real reason therefor. I have also taken the trouble to advise by telegram with certain southern Senators who are away, and I now desire to read a few telegrams to show exactly how they feel about the matter. In other words, so far as we have been able to ascertain, the southern Senators and Representatives from the cotton districts are a unit in not desiring this cotton to be rewarehoused, or reconcentrated, as it is frequently called, at this time.

Here is a telegram from Montgomery, Ala.:

Your telegram. Agree fully with you and Senator GEORGE reference cotton warehousing and reconcentration of cotton. Please speak for me. Regards.

LISTER HILL.

Another telegram from Jackson, Miss.:

Re tel.: I am greatly opposed to the proposal of the Commodity Credit Corporation to reconcentrate and rewarehouse all Government-owned cotton in the Southern States, and I wish to join you and Senator GEORGE in a Senate resolution requesting the Secretary of Agriculture not to accept bids for reconcentration until the matter can be brought before Congress. It is my idea that the reconcentration of Government-owned cotton as proposed would bring about an added expense to the Government and would cause the warehouses to materially increase their present rates on individually owned cotton.

THEODORE G. BILEO.

The following telegram is from Winder, Ga.:

Heartily approve any action necessary to prevent reconcentration of cotton. Will strongly support resolution. Please advise if you think it necessary for me to return to Washington immediately.

RICHARD B. RUSSELL,  
United States Senator.

JASPER, ALA.

Re tel.: I favor resolution requesting Secretary of Agriculture not to accept bids for reconcentration of cotton until the matter can be brought up before Congress. Who is handling matter in the Department? Is it Wickard or Appleby? I want to get in touch with him. I want to do anything I can without coming back to Washington, and you are authorized to speak for me. Notify Senator GEORGE.

J. H. BANKHEAD.

LYNCHBURG, S. C.

Telegram received. I am with you in your fight against reconcentration.

E. D. SMITH.

SAN FRANCISCO, CALIF.

Re tel.: Will favor resolution as suggested.

ELMER THOMAS, U. S. S.

WASHINGTON, D. C.

Telegram from yourself and Senator GEORGE received. Please sign my name to resolution requesting the Secretary of Agriculture not to accept bids for reconcentration until matter can be considered by Congress.

MORRIS SHEPPARD.

KANSAS CITY, Mo., December 2.

HON. KENNETH MCKELLAR,  
Washington, D. C.:

I am with you on your proposed resolution regarding the concentration of warehouse cotton. Will be glad to join you in the resolution or to support it.

HARRY S. TRUMAN.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at that point?

Mr. MCKELLAR. Yes.

Mr. CLARK of Missouri. I think the Senator should add that in addition to personal appearance by a large number of Senators and a great many Representatives at the Agricultural Department the other day, a very representative delegation of outstanding cotton farmers from the South made a separate appearance that afternoon before Dr. Robbins, of the Commodity Credit Corporation, and that the farmers rather than the warehousemen are the principal parties in interest.

Mr. MCKELLAR. What the Senator from Missouri says is entirely true. On last Friday a large number of Senators and

Members of the House of Representatives called on Secretary Wickard and on Dr. Robbins, and urged that no action be taken on the matter at this time. It was urged, among other things, that so far as we were able to ascertain the farmers are a unit about it. Naturally, the interior warehousemen are a unit in opposition to the proposed action. In addition to that, we had an experience along this line in 1935, as I recall the year, when it cost an enormous sum of money to rewarehouse and reconcentrate the Government-owned cotton.

The only excuse given by the Department for the proposed action was that there are some 92,000 bales of cotton, I think, in western Texas which are not adequately warehoused. Every one of us urged very strongly that that cotton could be taken care of without undertaking to readjust and to change the entire cotton warehousing of the country in order to accomplish it.

Mr. BARKLEY. Mr. President—

Mr. MCKELLAR. I will yield to the Senator from Kentucky in a moment.

The Department was to let us know what was decided upon. They have not let us know, and I understand that the bids are to come in tomorrow. As there is such unanimity among the Senators and Representatives from the South, it seems to me that a resolution such as this could well be adopted, simply requesting the Department not to receive bids about the matter until the Congress can look into it.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, this matter is new to me, and I am asking simply for information. As I understand, the cotton which is held by the Government is now located in numerous warehouses throughout the country.

Mr. MCKELLAR. It is.

Mr. BARKLEY. Does the Senator know how many warehouses there are?

Mr. MCKELLAR. There are, I believe, six and a half million bales, and I understand they are in several hundred warehouses all told.

Mr. BARKLEY. The cotton has been warehoused very largely in the sections of the country where it was produced?

Mr. MCKELLAR. That is true, very largely; and so far as all of the country except a small portion of western Texas is concerned, the present warehousing is entirely satisfactory, so far as we know.

Mr. BARKLEY. The cotton is now in warehouses under contracts that exist between the Government and the warehousemen?

Mr. MCKELLAR. That is true.

Mr. BARKLEY. Does the law require that it shall be reshuffled now, or not?

Mr. MCKELLAR. It does not; quite the contrary. These contracts having been made in good faith, we believe that they ought to be carried out for this year. There was a great deal of argument about the matter when we were down there, and only two practical reasons were given for the action which the Department contemplated. One was that there are 92,000 bales of cotton in Texas which are not properly warehoused.

Mr. BARKLEY. Can that quantity be rewarehoused without affecting the remainder of the cotton?

Mr. MCKELLAR. Certainly. Rewarehousing that cotton has nothing in the world to do with the remainder of it.

Mr. CLARK of Missouri. There are plenty of warehouses in Texas to take care of that cotton.

Mr. MCKELLAR. Yes; there are plenty of warehouses in Texas to take care of it.

Mr. BARKLEY. So, if I correctly understand the situation, the operation would result either in removing the cotton from where it now is, or in entering into new contracts with the present warehouseman?

Mr. MCKELLAR. No; it would not require new contracts with the present warehouseman. The contracts would continue just as they are now. The Department claims that it is possible that they may save some money by this operation, if they receive lower bids, and that may be true. I do not know; but the cost of the reconcentration in 1935 is easily



ascertainable from the records. As I remember the year, it was either 1935 or 1936. The records of that time show that to reconcentrate all the Government-owned cotton and move it down to the coast, and then perhaps move it back when it is sold, would cost a great deal more than would be saved by securing a lower price for the warehousing. The farmers, however, take the position—and it is a very strong position—that if the Government-owned cotton is taken away from the interior warehouses the interior warehousemen will have to raise their rates, and the cotton farmers will have to pay the bill; and there is not any question that that is correct.

Under those circumstances it seems to me that we might delay the proposed action until it can be looked into more thoroughly than it apparently has been looked into by the Department.

Mr. BARKLEY. Do the present contracts run indefinitely, or do they expire at a given time?

Mr. McKELLAR. I will ask the Senator from Georgia to answer that question. I cannot do so. My recollection is that they are indefinite.

Mr. GEORGE. No; they were made for a specific time. My understanding is—and I think it is correct—that the contracts have expired, or else the Commodity Credit Corporation had a right to call for new contracts and make new contracts November 1; and on or about the 19th of November they did ask for bids. They decided to let contracts on a competitive-bidding basis, and they asked for bids to be submitted by the 22d of November. A group of Senators and Representatives, together with warehousemen and farmers, went to see the Secretary of Agriculture and found him absent; but they took up the matter with Under Secretary Appleby and Mr. Rathell, the Director of the Cotton Division of the Commodity Credit Corporation. The President of the Commodity Credit Corporation, Dr. Robbins, also was out of the city.

The bids were referred until December 3; that is, the date for the reception of the bids was merely deferred until tomorrow.

Mr. BARKLEY. I assume that where contracts have expired, or are about to expire, there would be no objection to entering into a new contract with the same warehouse for the storage of the cotton there if any saving were possible. What the protestants object to, as I understand, is the concentration of the cotton in one section of the country, the cost of which they ultimately will have to bear.

Mr. McKELLAR. Paying the freight, and the cost of resampling the cotton.

Mr. BARKLEY. So that even if a new contract were required, and could be obtained at a lower rate, there would be no objection to that.

Mr. McKELLAR. Oh, no.

Mr. GEORGE. They are quite willing to make new contracts. They do not want to have them on a competitive bidding basis, for the reason that there would be an undue advantage to the large cotton shippers who have warehouse facilities in the ports, for which they have little use, the export of cotton having, of course, declined very rapidly, and practically come to an end, as the result of the war in Europe and in the east. They feel that the shippers with these large facilities could so far underbid them that they would be compelled to let the cotton go.

Mr. BARKLEY. Is there any fear on the part of the growers or others that if the market for cotton should be reopened, the cotton now held by the Government being close to the shipping facilities would have some advantage over cotton grown in the interior?

Mr. McKELLAR. That was not suggested. That was not the reason given. This is the first time bids have ever been asked, although the law has been on the books during all the time the Government has handled part of the cotton of the country. This is the first time bids have ever been asked, and it is generally believed that the motive in asking for them at this time is in order to take advantage of the empty warehouses along the coast which formerly were used by those dealing in export cotton.

Mr. GEORGE. Mr. President, there is no contention anywhere that the rates charged by the small warehouses in the interior are exorbitant. Those rates of storage have gone down from about 30 or 35 cents a bale a month to 12½ cents. That covers the handling and keeping of the cotton, the insurance, and all the other charges; so that if anything is to be paid to the warehouseman at all for handling cotton, the present rates are certainly very low.

At this particular juncture, with empty warehouses in the ports, it is quite likely that such warehouses would bid below 12½ cents a bale a month. But that is a temporary condition, due largely to the fact, if not entirely, that the war has prevented the export of cotton, and these warehousemen or the cotton merchants can afford to take cotton at the ports with no charges whatever, because they handle cotton as merchants. They are interested in four or five different transactions, whereas the interior warehouses, in the communities where the cotton is grown, small warehouses, often owned by the farmers themselves, handle it only as bailees; that is to say, they take possession of the cotton and handle it only for storage purposes. They perform all the primary duties and assume all the primary obligations to the farmer. They receive the cotton, concentrate it, go down at night and let the farmers in, and perform services of that kind. They receive cotton even on Sunday, if the cotton should not be delivered from the gins until Sunday, after the week's work is ended; and after the cotton is concentrated in large warehouses they can, of course, offer very advantageous terms for lots of cotton, say, thousand-bale lots, move it into the warehouses at the ports or elsewhere, and carry it at a very low charge. The farmers are not protesting the rates paid at present. They are directly and immediately interested in keeping the cotton in the local communities at their own points of production.

It is perfectly obvious at this time that most of the American-grown cotton must be used by American mills. Movement to the ports practically in all instances merely is a removal of the cotton a longer distance from the point where it actually will be consumed. In a few instances that is not so, where cotton may move coastwise to particular plants, but cotton-textile manufacturing plants, with a few exceptions in the East, are not located at the ports.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. VANDENBERG. In view of what seems to be the unanimity of the Senators representing the cotton-producing area, I do not understand why the Department of Agriculture would persist in this program, unless it thought it had a good reason. What does the Senator say is the attitude of the Department on the subject to justify its refusal to surrender its view even temporarily to the united southern point of view?

Mr. GEORGE. The Department's position first was that there was some cotton that was not in storage, cotton exposed to the weather. On inquiry that condition was discovered to exist only in west Texas, whereupon it was readily agreed that that cotton might be moved anywhere, to any port warehouse or any other warehouse.

Mr. CLARK of Missouri. They have authority under the law to do that.

Mr. GEORGE. They have authority under the law to do that, and there is no request that any cotton improperly stored anywhere be left at that point. It is only that the cotton that is properly cared for in warehouses be left there, or that the Department abandon its request for competitive bidding, because obviously the small cotton warehouses all over the Cotton Belt would be at a very great disadvantage in bidding competitively against a few large shippers with very ample and, in fact, idle warehouse facilities at this time.

If the rates were not proper, or if they were deemed to be high, the Commodity Credit Corporation would have the right to offer the cotton for storage at whatever rates it thinks proper, and on our first visit we insisted that they offer to leave the cotton in storage upon a rate named by the

Commodity Credit Corporation. They, of course, objected to that, because they said that so many factors entered into what was a proper carrying charge for the warehousing of cotton they did not wish to assume the responsibility of naming the rate.

The only other reason given is that it is believed that by the end of this season the Government stock of cotton will be heavy, which, of course, is true, and that it will be necessary or might be necessary to move portions of this cotton into vacant warehouses, empty warehouses, in order to prevent the inducements which might prevail on the local people in the inland territory to build additional storage facilities in order to get Government contracts. That, however, is not even a possibility, though the Commodity Credit Corporation advanced it as a reason.

The only possible saving on the storage as a result of moving the cotton would be the gross saving of the difference between 12½ cents a month and what might be bid below that. Even if it should be bid down to a basis of 7 or 8 cents a bale a month, which would be below the actual cost of carrying the cotton in small inland warehouses, in 90 percent of all cases, in my judgment, the gross saving to the Government, or to the Commodity Credit Corporation, would not amount to more than two or three million dollars, from which there would necessarily come tremendously high costs or charges for the concentration of the cotton, including freights, and including the general supervision of the warehousing.

Mr. McKELLAR. Mr. President, let me call the attention of the Senator and of the Senate to the practical working of the system of reconcentration in the middle of the year, as demonstrated in 1935. It appeared in the evidence that a colored man had one bale of cotton stored in the warehouse at Holly Springs, which was re-stored in New Orleans, and he had difficulty in finding it. When he finally found it, that bale of cotton had to pay the freight from Holly Springs, which is in the northern part of Mississippi, down to New Orleans, and then the cotton was hauled by the Illinois Central Railroad right back through Holly Springs to the point of delivery where it had been sold, somewhere in Ohio. The result was that the poor colored farmer had to pay additional freight, and an additional amount for sampling the cotton.

Mr. CLARK of Missouri. Mr. President, I do not profess to be an expert on cotton, although cotton is the greatest cash-money crop in my State. I live about 250 miles from the Cotton Belt in Missouri, but since I have been in the Senate I have been diligently trying to familiarize myself with the cotton situation. I may say, however, that without professing to be an expert on cotton, I know a good deal more about it than some of the bureaucrats in the Department of Agriculture because I am at least willing to listen to those who do know—which many of the bureaucrats are not. I have conferred with a great many growers and dealers in cotton in southeastern Missouri, and in this situation I have been particularly impressed, not only with the unanimity of opinion among those interested in cotton in my State but with the unanimity of opinion among the Senators and Representatives and the farmers from the great cotton-growing States of the South, that it would be a very great blow to the farmers, and to the cotton industry in the United States as a whole, to permit the proposed concentration of cotton in the port warehouses.

There was no difference of opinion expressed at the meeting held the other day at the Department of Agriculture. I think there were 10 Senators from the Southern States present at the meeting. There were 15 or 20 Representatives present. There were most impressive delegations of farmers present. They were men who said they did not have any ownership or interest in any warehouses or any compresses, and had no interest whatever in the cotton business except as farmers, and their contention was that the proposed step would be the greatest blow that has ever been struck at the cotton industry in the United States. One reason for this was that it would inevitably raise prices for storage on the farmer's own cotton. Another was that it would put the farmer's cotton where he could not profitably dispose of it.

I am not putting too fine a point on the matter. The only effect of the concentration of cotton in the ports will be to strengthen a monopoly, to strengthen the hand of the great monopolistic house of Anderson, Clayton & Co., who are not only warehousemen, but who are cotton merchants, cotton producers. They have even gone down to South America and produced a great deal of cotton there in competition with our own cotton. They have these great warehouses which are used in ordinary times for export trade. Now that the export trade has been hampered by the conflict abroad, they are undertaking to hamstring the cotton industry of the interior, both with respect to the farmers and the warehousemen, by concentrating cotton at the warehouses at the ports which are empty because of this particular exigency.

The firm of Anderson, Clayton & Co. can afford to take this cotton for 1 cent a pound. They can afford to take it for nothing. The proof of that lies in the fact that last Thursday night at midnight they proceeded to purchase a big warehouse at Mobile, which happened to be empty, for about one-third or one-fourth of its value, for the anticipated purpose of storing this cotton, for which they intended to underbid interior warehousemen, and to concentrate this cotton at the ports.

Mr. President, as the Senator from Georgia [Mr. GEORGE] has said, the local warehouseman performs a function and renders a service in season and out of season, day by day, and hour by hour. He runs his warehouse Saturday nights and Sundays in the cotton season. The warehousemen collect the cotton; they render the farmers service, and under the Wage and Hour Act they have to pay overtime for every bit of extra service they render the farmers.

Now it is proposed to move that cotton from the local warehouses. Anderson, Clayton & Co. make seven or eight different profits out of their business. The profits are perfectly legitimate profits. I do not mean to cast any reflections on the legitimacy of what they do, but it is not of record that any cotton which has been stored in any of the Anderson, Clayton & Co.'s warehouses has ever been purchased by anyone other than Anderson, Clayton & Co. Whoever goes down that winding stair will never come back again. The proposed action can only have the effect of giving the firm of Anderson, Clayton & Co., or anyone they happen to be associated with, a strangle hold both on the farmer and on the local warehouse.

The farmers of Missouri, who had a bad year last year, were able to sell their cotton at the local warehouses at \$30 and \$40 a bale. If it had gone into Anderson, Clayton & Co.'s warehouses at the ports, the farmers would not have gotten anything for their cotton, because the charges would have eaten up the value of the cotton.

At the meeting held at the Department of Agriculture the other day Representative COOPER testified that in the immediate cotton-growing section in which he lived there are four or five large cotton mills. The action proposed to be taken by the Department would entail shipping cotton from that particular district in Tennessee, perhaps to New Orleans or Houston or Savannah, and then possibly shipping it back to the very district in Tennessee in which it was produced, in order to have it milled.

It was also testified at the meeting the other day by a Representative from the Delta country in Mississippi that a few years ago they took their cotton and concentrated it in New Orleans, but afterward shipped it back through Greenwood, Miss., to the mill, but in the meantime had divested it of a particular value that certain cotton has by being shipped from Delta points.

I am not casting any aspersions on anybody in the Department, but it seems to me to be singular that every 4 or 5 months in the last couple of years all the Senators and all the Representatives from the cotton-growing States and all the representatives of the farmers from the cotton-growing areas have been forced to turn out in order to repeal incursions by the firm of Anderson, Clayton & Co.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution offered by the Senator from Tennessee?



There being no objection, the resolution (S. Res. 337) was considered and agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Secretary of the Senate be instructed to send a copy of the resolution which was just agreed to to the Honorable Claude R. Wickard, Secretary of Agriculture, and to Dr. Carl B. Robbins, President of the Commodity Credit Corporation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McKELLAR subsequently said: Mr. President, in connection with the resolution just passed, I have been asked to state that the Senator from Mississippi [Mr. HARRISON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MILLER], the Senator from South Carolina [Mr. BYRNES], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Florida [Mr. ANDREWS] take the same position as do the other Senators to whom I have referred.

#### ACTIVITIES OF COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the New York Times of the issue of November 29, 1940, under the heading The Inside Story, which appears in the Appendix.]

#### ARTICLE BY WILLIAM HENRY CHAMBERLAIN ON "WAR—SHORT CUT TO FASCISM"

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article entitled "War—Short Cut to Fascism," written by William Henry Chamberlain, and published in the American Mercury for December 1940, which appears in the Appendix.]

#### COLLEGE MEN AND THE WAR—EDITORIAL FROM DELPHI (IND.) CITIZEN

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Delphi (Ind.) Citizen entitled "College Men and the War," which appears in the Appendix.]

#### ADDRESS BY DONALD KIRKPATRICK BEFORE ASSOCIATION OF AMERICAN RAILROADS

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered by Donald Kirkpatrick, of the Farm Bureau Federation, before the annual meeting of the Association of American Railroads at the Biltmore Hotel, New York City, November 13, 1940, which appears in the Appendix.]

#### ADDRESS BY PAUL G. HOFFMAN BEFORE CONVENTION OF AMERICAN TRADE ASSOCIATION EXECUTIVES

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered by Paul G. Hoffman before the twenty-first annual convention of American Trade Association Executives at Chicago, Ill., September 26, 1940, which appears in the Appendix.]

#### ENGLAND'S RECORD OF DEMOCRACY

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article entitled "England's Record of Democracy," which appears in the Appendix of the RECORD.]

#### AMERICA AND THE WAR

Mr. HOLT. Mr. President, a very interesting article appears in this morning's Times-Herald of Washington, D. C., which bears the headline Most Officers See United States Going to War Soon—Believe They'll Lead American Soldiers on Foreign Battlefields.

I wish to read three significant paragraphs from this article, because the officers in question are the men who know what the United States is planning to do. It is not what the President says we are going to do, it is what the plans indicate. Let me read these three significant paragraphs:

A majority of the officers of the United States Army feel this country will enter the war some time next year and believe they will lead American soldiers into action on foreign battlefields.

This was indicated by a casual poll taken by this correspondent during an 8-day inspection, tour of national-defense progress at various military establishments, undertaken with 16 other newspapermen at the invitation of Gen. George C. Marshall, Army Chief of Staff.

Then the article proceeds to say:

They declared that already the British are making the first move to bring this country in as an ally by initiating a campaign for credits. These officers were confident the quest for funds will be successful. After we send money, we will have to send men, they said.

Then the article goes on to outline the fact that they have actually discussed the military possibility of landing troops in Portugal, Greece, and many other countries.

I shall now read the last few paragraphs, which are very important. I say they are important because these officers know what is happening on the inside. They know that some are planning for an overseas war, regardless of what is said by them about peace.

Let me read the last two paragraphs:

Many officers said they were not convinced this country would enter the war until the defense program got under way. Only when they saw camps mushrooming, training time stepped up, and hustle and bustle of preparation did they feel American entry into the war is a certainty.

"What are we building an army of 1,200,000 men for, if we don't intend to get into the war?" one officer asked. "We don't need that big an army to defend us when the nearest two possible enemies is more than 3,000 miles away."

I think the article is very interesting. It is not startling to me, because for a long time I have been saying what the article says. I say that these individuals in charge of our foreign affairs have hypocritically been preaching peace while planning for war; that they have attempted from the very first day of this war to get America into it, no matter what they say now, no matter whether or not they say it is an overseas war and that we will not enter it.

Mr. President, I ask unanimous consent to have the article in question printed at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times-Herald of December 2, 1940]

#### MOST OFFICERS SEE UNITED STATES GOING TO WAR SOON—BELIEVE THEY'LL LEAD AMERICAN SOLDIERS ON FOREIGN BATTLEFIELDS

(By Walter Trohon)

A majority of the officers of the United States Army feel this country will enter the war some time next year and believe they will lead American soldiers into action on foreign battlefields.

This was indicated by a casual poll taken by this correspondent during an 8-day inspection tour of national-defense progress at various military establishments undertaken with 16 other newspapermen at the invitation of Gen. George C. Marshall, Army Chief of Staff.

#### POLL IS CASUAL

During the 8 days the war sentiments of 183 officers from generals to the youngest lieutenants were sounded out. The officers were not told they were being polled but were asked casually during conversations how they felt about the possible entrance of this country into the conflict.

Here is how they responded:

America will enter the war, 149.

America will not enter the war, 23.

No expression, 11.

The vast majority of officers are convinced America is already economically in the struggle and will enter the war as a combatant because this country cannot see England go down to defeat. If this appears imminent, the American public will demand war, they said.

#### SEE BRITISH DRIVE UNDER WAY

They declared that already the British are making the first move to bring this country in as an ally by initiating a campaign for credits. These officers were confident the quest for funds will be successful. After we send money we will have to send men, they said.

Many of the officers who said America will not enter the war believe Britain has more than enough manpower, and needs machines and munitions, money and food more than men from this country.

Officers were divided in opinion as to when this country may enter the war, but most of them felt the declaration will come by spring as a step to bolster British morale. Naval cooperation, they said, would be immediate, while Army cooperation would not come for some months.

#### GREEK STAMINA CALLED THE KEY

They were also uncertain as to where they might lead troops on foreign soil. Many officers were following the Italian-Greek clash with interest, saying if the Greeks could hold out it would be highly possible that theater of war would become the road toward Berlin, either through the Balkans, where Yugoslavia might be expected to join the Allies, or through Bulgaria and Rumania, where Turkish

help could be counted upon. Another route would be through Italy herself, conducting landing operations on the heels of crumbling Italian morale which would follow Greek victories.

Most officers felt America will fight on the battlefields of the first World War. They expressed the belief that if England gained mastery of the air the United States will be called upon to conduct landing operations with British forces on the French coast and move toward Berlin along familiar roads.

#### PORTUGAL GOOD SPRINGBOARD

Some pointed to Portugal, England's traditional ally, as an excellent avenue of operations. From Portuguese bases, they said, offensive armies could conduct operations across Spain and upward into France in French areas where they could count upon help from the inhabitants and outflank Nazi coastal positions.

At the same time other armies could drive toward Italy and sever the Rome-Berlin Axis, these officers argued. They said Portugal offers an ideal road to war.

Many officers said they were not convinced this country would enter the war until the defense program got under way. Only when they saw camps mushrooming, training time stepped up, and hustle and bustle of preparation did they feel American entry into the war is a certainty.

"What are we building an Army of 1,200,000 men for, if we don't intend to get into the war?" one officer asked. "We don't need that big an army to defend us when the nearest of two possible enemies is more than 3,000 miles away."

Mr. HOLT. Mr. President, I think time will verify what is said in this article. I wish to say that the blood of many an American boy will be on the hands of many individuals in this country who are planning for war.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BARKLEY. Does the article give the names of any of the officers who are quoted in it?

Mr. HOLT. No; it does not. However, that is natural, because under the present political control of the Army, the best way for an Army officer to get into trouble would be to give his name in connection with such a statement.

Mr. BARKLEY. I have not read the article, and I do not know how reliable it is. Is it a signed article?

Mr. HOLT. It is signed by Walter Trohon.

Mr. BARKLEY. Who is Mr. Trohon?

Mr. HOLT. I do not know him personally. It is a signed article published in the Washington (D. C.) Times-Herald.

Mr. BARKLEY. Does the article say that General Marshall had authorized the taking of a poll by this correspondent?

Mr. HOLT. No; but the article says that General Marshall invited and authorized him and 16 other newspapermen to go on a national 8-day inspection tour of national-defense progress at various military establishments, and while making this tour he discussed the question with various Army officers.

Mr. BARKLEY. The article does not say that General Marshall authorized the correspondent to take a poll of these different officers with respect to whether they believed the United States would enter the war?

Mr. HOLT. No.

Mr. BARKLEY. It simply says that General Marshall authorized these correspondents to make an inspection tour?

Mr. HOLT. Yes.

Mr. BARKLEY. I shall not object to the article being placed in the Record, as the Senator has requested, but I do not think the statements of a few Army officers, who some enterprising newspaper correspondent asks what they think about the United States getting into war, are to be taken in any way as seriously reflecting the policy of this Government.

We all knew before we passed the draft act that there would have to be mushroom camps and cantonments erected in order to train these men. The article does not disclose that these officers of the Army have given to the country information or facts which we did not know in advance of the enactment of the law itself.

It seems to me that Army officers would be better serving the country by doing their duties at these various posts than by giving their opinion as to whether the Congress of the United States is going to declare war against some country, or whether anybody connected with the Government is secretly designing to carry out some war program. If there is no other service that this article can render, it certainly

ought to teach the Army officers some caution in being quoted, even though anonymously, by everyone who comes along to gather information. Their opinion as to whether we are going to war is not worth any more than the opinion of the same number of men in any other vocation.

Mr. HOLT. I think their opinion is worth much more, because they are on the inside and know what the plans are. I have been told by Army officers that an army is being equipped for an overseas war and that certain equipment which is unnecessary for a defensive war is being built for an overseas war. No one can tell me that men on the inside do not know more about what is going on than men on the outside. Army officers know what they have been training soldiers to do. They are training them for an overseas war.

One hundred and forty-nine of the officers interviewed said we would enter the war; 23 said we would not; and from 11 there was no expression. I do not agree with the Senator from Kentucky when he says that the officers are not doing their duty. It would require only a few seconds to answer that question.

Mr. BARKLEY. I am not imputing to them any lack of diligence in the performance of their duties; but certainly it is not one of their duties to be interviewed by newspaper reporters. I asked the Senator who Mr. Trohon is. I am advised that he is one of the correspondents of the Chicago Tribune. I think the Senator will agree that it is not one of the duties of Army officers to answer questions as to whether we are going into the war.

Mr. HOLT. I thoroughly agree that that is not part of their duty.

Mr. BARKLEY. I know how difficult it is for men who are not experienced in being asked questions by enterprising and skillful reporters to refuse to answer, or to give answers which are not subject to misinterpretation. But certainly an Army officer who is possessed of any degree of responsibility ought to know, without anybody telling him, that it is not part of his duty to be interviewed or quoted, even anonymously, on whether we are going to war.

I will say further that I seriously doubt whether the Congress of the United States would consult any Army officer who had been interviewed or approached, or any other Army officer, as to whether we should declare war on any other nation.

Mr. HOLT. I will say again to the Senator from Kentucky that I do not say now, nor did I say, that it is their duty to be interviewed by newspapermen. However, I do not believe it is un-American for an Army officer to answer the question of a newspaperman. Army officers know that going on behind the scenes is a drive for war, and they know that it is a premeditated drive for war. They are familiar with the propaganda which is being put out and its effect.

Mr. White was in Washington during the past few days in an effort to drive home a little more propaganda for our entrance into the war. Of course, we may brush it aside and say that it does not mean anything. I say that it does mean something. Army officers know what it means.

#### DANIEL WEBSTER—HISTORIC INTEREST OF TEMPORARY SENATE CHAMBER

Mr. TOBEY. Mr. President, I count it a very interesting experience to be privileged to sit as a Member of the Senate in this historic Chamber, so rich in associations and memories of the past.

As I have sat here for the past 15 minutes I confess that I have indulged in reminiscences of some of the noted men who have sat in this Chamber, and also their remarks. Of the many great leaders of the past who have fearlessly enunciated their theories of government and their principles and convictions in this historic Chamber, one such comes to my mind at the present time. He was a native of my State of New Hampshire, and a graduate of Dartmouth College. He became a great Senator from the State of Massachusetts. I refer to the immortal Daniel Webster, eloquent and powerful defender of the Constitution. In this room he made many



important speeches, an excerpt from one of which I wish to bring home to the Senate today, for I believe it most timely.

Speaking in this historic Chamber in the first half of the nineteenth century, in a time of crisis in our Nation's affairs, Webster said:

Other misfortunes may be borne and their effects overcome. If disastrous wars shall sweep our commerce from the ocean, another generation will renew it. If they exhaust our Treasury, future industry will replenish it. If they desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen unto future harvests. But who can reconstruct the fabric of demolished government? Who can raise again the well-proportioned columns of constitutional liberty? Who can frame together the skillful architecture which unites national sovereignty with State rights, individual security and public prosperity?

No—

Webster thundered:

If these columns fall, they will be raised not again.

Mr. President, Webster being dead, yet speaketh to the American Nation today. In my judgment, the purposes of the Senate can rise to no greater heights, and no greater privilege is ours, than to see to it, as United States Senators, regardless of party, race, or creed, that these columns of constitutional government shall not be impaired in our land, but that we shall still carry on a Government of laws, and not of men, and that in the heart of every citizen there shall be established the great affirmative conviction and belief that only through obedience to law shall come liberty. In so doing we shall pass on unsullied to those who come after us the great heritage which came down to us from the fathers.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

#### THE JUDICIARY

The legislative clerk read the nomination of Joseph Warren Madden to be judge of the United States Court of Claims.

Mr. VANDENBERG. Mr. President, at the last meeting of the Senate, this nomination went over on my objection. I wish to make a brief statement about it.

Some of us are not convinced of Mr. Madden's judicial eligibility, and wish at least to have a full hearing on the subject before the Senate. Others of us feel that the Madden nomination is one of those matters of major controversy which fall outside the agreement which was entered into in connection with 3-day recesses of the Senate.

This morning I received from the Senator from Ohio [Mr. TAFT] a telegram which reads, in part, as follows:

Expected to be in Washington today, but cannot because of funeral of close, personal friend. In my opinion Madden confirmation is matter of major controversy, and I desire to present argument to a full Senate. Therefore I ask that a quorum be assembled before any action is taken.

Under the circumstances, while I have no parliamentary right to object to the consideration of the nomination, I express the hope that it may not be pressed, because if it is, I shall have to ask for a quorum.

Mr. BARKLEY. Mr. President, I have no desire to urge this matter if the Senator has any objection to the nomination being considered. Under the circumstances it probably

will be necessary that the matter go over until the next session of Congress, because it was not contemplated a few days ago, when we entered into the arrangement for 3-day recesses, that the Senate would be called back for the purpose of considering a nomination, however important it might be. It will be unfortunate if this nomination cannot be acted upon before January. Does the Senator from Michigan feel that under those circumstances it would be proper for the nomination to be postponed from day to day until the next session?

Mr. VANDENBERG. Mr. President, the Senator from Kentucky has successfully explored the prospectus which, in my opinion, is involved. I see no possibility, without the presence of a quorum, of considering the matter of the nomination at the present session of Congress.

The PRESIDENT pro tempore. Objection is made, and the nomination is passed over.

#### POSTMASTER

The PRESIDENT pro tempore. The clerk will state the next nomination on the calendar.

The Chief Clerk read the nomination of William L. Gallo-way to be postmaster at Arcadia, La.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

#### WORK PROJECTS ADMINISTRATOR NOMINATION REPORTED AND CONFIRMED

Mr. McKELLAR. From the Committee on Appropriations, I report favorably the nomination of Harry E. Harman, Jr., of Georgia, to be Work Projects administrator for Georgia, and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the nomination? The Chair hears none, and the clerk will state it.

The Chief Clerk read the nomination of Harry E. Harman, Jr., of Georgia, to be Work Projects administrator for Georgia.

Mr. McKELLAR. I will say that the nomination is endorsed by the two Senators from Georgia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. GEORGE. I ask unanimous consent that the President be notified immediately of the confirmation of the nomination of Mr. Harman. He is acting administrator, the former administrator having been appointed regional director, and it is proper that the President be given immediate notice of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified, as requested.

#### POST-OFFICE NOMINATIONS REPORTED AND CONFIRMED

Mr. McKELLAR. From the Committee on Post Offices and Post Roads, I report favorably a number of post-office nominations which have been submitted to the Senators from the several States for which the postmasters are appointed. I ask unanimous consent for immediate consideration en bloc of the nominations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the nominations are confirmed en bloc.

#### TREATIES

Mr. GEORGE. Mr. President, I should like to ask for the consideration of two treaties on the calendar. I refer to Calendar Nos. 7 and 32. Calendar Nos. 2, 4, and 6 are all treaties that cannot be disposed of at this time, because certain Senators are opposed to one or the other of those treaties. But Calendar Nos. 7 and 32 may, I think, be considered.

Mr. VANDENBERG. Mr. President, with reference to the treaty known as Calendar No. 7, I objected to the treaty. My objection is now withdrawn, and I agree with the Senator from Georgia that both treaties to which he has referred justify ratification.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the treaties indicated.

## CONVENTION WITH PANAMA TRANSFERRING TWO RADIO STATIONS

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive D (74th Cong., 2d sess.), a convention between the United States of America and the Republic of Panama, providing for the transfer to Panama of two naval radio stations, signed at Washington on March 2, 1936, which was read the second time, as follows:

## TRANSFER OF RADIO STATIONS

The United States of America and the Republic of Panama, in order to arrange for the transfer to the Government of Panama of the United States Naval Radio Stations at Puerto Obaldia and La Palma, Republic of Panama, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The President of the Republic of Panama:

The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States of America, and The Honorable Doctor Narciso Garay, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

Who, having communicated to each other their respective full powers, which have been found to be in good and due form, have agreed upon the following:

## Article I

The Government of the United States of America will turn over to the Government of the Republic of Panama for its exclusive official use all buildings and appurtenances owned by the United States of America and now located at the radio stations at Puerto Obaldia and La Palma, in condition as at present.

## Article II

In lieu of the radio equipment removed by the Government of the United States of America when the above-mentioned stations ceased to be operated by the United States Navy on July 6 and 18, 1935, the Government of the United States of America will install at each of these stations, subject to the purchase of the material by the Government of the Republic of Panama, the following:

(a) One transmitting set with an output of 100 watts, complete with accessories and necessary wiring, capable of operating on such high frequencies as the Government of the Republic of Panama may adopt in accordance with the terms of the Convention for the Regulation of Radio Communications, signed today.

(b) One commercial short wave receiver of a design approved for tropical use complete with tubes and accessories.

(c) Antennae, wiring, and connections complete for proper radio operation and lighting of the station.

## Article III

The Government of the United States of America will furnish the labor to install the new high frequency equipment complete and to place the same in efficient operation.

## Article IV

The Government of the Republic of Panama will provide the source of power to operate these stations.

## Article V

The Government of the Republic of Panama, after taking over the operation of the aforementioned radio stations, will be responsible for all expenses connected with their upkeep, maintenance, and operation.

The United States Naval Radio Station in Balboa will cooperate with the Panama National Telegraph in furnishing such technical advice as shall be necessary and as the latter may request to insure the efficient operation of the said stations.

## Article VI

The operation of the aforementioned stations will be in accordance with the provisions of the Convention for the Regulation of Radio Communications, signed today, it being understood that the Government of the Republic of Panama remains at liberty to operate the said stations or to abandon them or to change their location, as it may find convenient.

## Article VII

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place at Washington.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Convention in duplicate in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

DONE at the city of Washington the second day of March 1936.

[SEAL]  
[SEAL]  
[SEAL]  
[SEAL]

CORDELL HULL,  
SUMNER WELLES,  
R. J. ALFARO,  
NARCISO GARAY.

Mr. GEORGE. Mr. President, I will say in connection with this convention that the Navy has abandoned the radio stations and has removed all apparatus. The convention, being one of a number entered into simultaneously or at about the

same time, simply authorizes the transfer of the stations without their equipment.

The PRESIDENT pro tempore. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDENT pro tempore. The resolution of ratification will be read.

The legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Seventy-fourth Congress, second session, a convention between the United States of America and the Republic of Panama, providing for the transfer to Panama of two naval radio stations, signed at Washington on March 2, 1936.*

The PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification [putting the question]. Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

## SUPPLEMENTARY EXTRADITION CONVENTION WITH COLOMBIA

The Senate proceeded to consider the convention, Executive Q (76th Cong., 3d sess.), a supplementary extradition convention between the United States of America and the Republic of Colombia, signed at Bogota on September 9, 1940, which was read the second time, as follows:

## SUPPLEMENTARY CONVENTION OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA

The United States of America and the Republic of Colombia, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Convention concluded between the two countries on May 7, 1888, with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America: Spruille Braden, Ambassador Extraordinary and Plenipotentiary in Colombia; and The President of the Republic of Colombia: Luis López de Mesa, Minister for Foreign Relations.

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

## Article I

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1 to 12 in Article II of the Convention of Extradition concluded between the United States of America and the Republic of Colombia on May 7, 1888; that is to say:

13. Abortion.

14. Abduction or detention of women or girls for immoral purpose.

15. Bigamy.

16. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or colombian equivalent.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars, or colombian equivalent.

19. Fraud or breach of trust by a bailee, banker, agent factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars, or colombian equivalent.

20. Bribery.

21. Crimes against the bankruptcy laws.

22. Crimes against the laws for the suppression of the traffic in narcotics.

23. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes.

It is further agreed that the paragraph or crimes added by the present Article and numbered 23 herein shall be applicable under appropriate circumstances to all the crimes listed in the said Convention of May 7, 1888.

## Article II

The High Contracting Parties also agree that the second sentence of Article III of the said Convention of May 7, 1888 is hereby amended so as to read as follows:



"If the person whose extradition is demanded has already been convicted, the demand must be accompanied by a duly authenticated copy of the sentence of the court in which he was convicted, and with the attestation of the proper executive authority; the latter of which must be certified by a diplomatic representative or consular officer of the Government upon which the demand is made."

#### Article III

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible. It shall be considered as an integral part of the said Extradition Convention of May 7, 1888. It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country last publishing, and it shall continue and terminate in the same manner as the Convention of May 7, 1888.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in the english and spanish languages, equally authentic, and have hereunto affixed their seals.

Done, in duplicate, at Bogotá, this ninth day of September one thousand nine hundred and forty.

SPRUILL BRADEN

LUIS LÓPEZ DE MESA.

The PRESIDENT pro tempore. The convention is before the Senate and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDENT pro tempore. The resolution of ratification will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q. Seventy-sixth Congress, third session, a Supplementary Extradition Convention between the United States of America and the Republic of Colombia signed at Bogotá on September 9, 1940.*

The PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

#### RECESS TO THURSDAY

Mr. BARKLEY. The Senator from Wyoming [Mr. O'MAHONEY] advises me that the matter which he desires to present is not quite ready for presentation. Therefore there is no need of holding the session in waiting any further. So I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 4 minutes p. m.) the Senate took a recess until Thursday, December 5, 1940, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate December 2 (legislative day of November 19), 1940*

##### FEDERAL HOUSING ADMINISTRATION

Abner H. Ferguson, of the District of Columbia, to be Federal Housing Administrator for the unexpired portion of a term of 4 years from June 30, 1938, vice Stewart McDonald, resigned.

##### WORK PROJECTS ADMINISTRATION

Harry D. Williar, Jr., of Maryland, to be Work Projects administrator for Maryland, effective December 1, 1940.

##### FEDERAL BOARD FOR VOCATIONAL EDUCATION

Robert Watt, of Massachusetts, to be a member of the Federal Board for Vocational Education to serve for the duration of the term of Henry Ohl, Jr., of Wisconsin, deceased, expiring July 16, 1941.

##### COAST GUARD OF THE UNITED STATES

Boatswain William C. Hart to be a chief boatswain in the Coast Guard of the United States, to rank as such from December 1, 1940.

##### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

##### TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Albert Neil Hickey, Infantry, with rank from June 30, 1937.

##### TO QUARTERMASTER CORPS

Capt. Edward Francis Merchant, Infantry, with rank from June 30, 1936.

##### TO SIGNAL CORPS

First Lt. Winfield Lee Martin, Infantry (captain, Army of the United States), with rank from June 12, 1940.

##### PROMOTIONS IN THE REGULAR ARMY

##### MEDICAL CORPS

##### To be major

Capt. Robert Eugene Bitner, Medical Corps, from December 12, 1940.

##### To be captains

First Lt. Thomas Earl Patton, Medical Corps (captain, Army of the United States), from December 1, 1940.

First Lt. Albert Willard Kuske, Medical Corps (captain, Army of the United States), from December 3, 1940.

First Lt. Walter Joseph Reedy, Medical Corps (captain, Army of the United States), from December 3, 1940.

First Lt. Jay James Palmer, Medical Corps (captain, Army of the United States), from December 3, 1940.

First Lt. Henry Clay Vedder, Medical Corps (captain, Army of the United States), from December 17, 1940.

First Lt. Leon Joseph Numainville, Medical Corps (captain, Army of the United States), from December 17, 1940.

##### DENTAL CORPS

##### To be captain.

First Lt. Charles Sidney Winston, Dental Corps (captain, Army of the United States), from December 1, 1940.

##### CHAPLAIN CORPS

##### To be major

Chaplain Frederick William Hagan (captain, United States Army), from December 3, 1940.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate December 2 (legislative day of November 19), 1940*

##### WORK PROJECTS ADMINISTRATION

Harry E. Harman, Jr., to be Work Projects Administrator for Georgia.

##### POSTMASTERS

##### ARKANSAS

Felix E. Stephenson, De Witt.

##### KENTUCKY

Everett E. Warren, McHenry.

Robert S. Welch, Scottsville.

Sanna Bowling, White Plains.

##### LOUISIANA

Emile M. Benoit, Arnaudville.

William L. Galloway, Arcadia.

##### MAINE

Mrs. Marion J. Ricker, Lisbon.

##### PUERTO RICO

Judson Ulery McGuire, Bayamon.

Tomas Mulero Gonzalez, Culebra.

Armando Rivera, Jayuya.

## HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 2, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

All hail to the Lord's anointed! Thy name shall stand forever, giving hope and peace through all the aching, human years, wider than the world, longer than the ages. Thou who art the miracle and the might of our Heavenly Father

upon earth, forbid that we should obscure Thy truth, for it is the power of God unto salvation. Teach us to submit ourselves to Thee, O Christ, for Thou art rich in mercy, love, and pity. Within the sweep of Thy redeeming power, grant that all drooping spirits may be inspired by the life hopeful and the life courageous. We humbly pray for the presence of humanity's Lord and King that He may arrest all passion and prejudice and lift man to the heights from which he is being struck down. Dark though the day may be, we entreat Thee to make our faith unwithering, unwasting, and commensurate with our needs and appeals. Heavenly Father, hear us for this burdened world, threatened with moral and spiritual paralysis, for its countless hosts whose names shall never be graven on a stone, and for all languishing hearts that give no sign. Thou art the one God and the one man our souls can follow through all the future, widening years. In the urgency of these days, we pray Thee that Thy strength, vision, and wisdom may be given our President, our Speaker, and the Congress. In our Saviour's name. Amen.

The Journal of the proceedings of Thursday, November 28, 1940, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Baldrige, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 305. Joint resolution to amend Public Law No. 861, Seventy-sixth Congress, approved October 17, 1940, an act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

#### SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 305. Joint resolution to amend Public Law No. 861, Seventy-sixth Congress, approved October 17, 1940, an act to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard; to the Committee on Military Affairs.

#### RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

NOVEMBER 29, 1940.

The Honorable SAM RAYBURN,  
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Will you kindly accept my resignation from the Committee on Foreign Affairs, to be effective December 1, 1940?  
Sincerely yours,

ROBERT G. ALLEN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

#### ELECTION TO COMMITTEE

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

House Resolution 640

Resolved, That HERMAN P. EBERHARTER, of Pennsylvania, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Foreign Affairs.

The resolution was agreed to.

#### EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, permission was given me on Thursday to extend my remarks in the RECORD, and include certain material. This material takes up a little more than two pages of the RECORD. I renew my request to extend my remarks in the RECORD, and submit with it an estimate from the Public Printer.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAWKS asked and was given permission to extend his own remarks in the RECORD.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an article by Mr. Victor Schoffelmayer, agricultural editor of the Dallas News, which appeared in the Gilmer Weekly Mirror November 28, 1940. This article concerns the significance and importance of the sweetpotato crop to the farmers of east Texas, and, therefore, to the farmers in the Third Congressional District, the district I represent.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Here is a letter dated November 29, from Washington, D. C. It is one of many; some from members of unions; some from those who do not belong to any labor organization. All protest against the un-American procedure of requiring a man who contributes to the support of the Government to pay an individual or an organization either a so-called initiation fee, membership dues, or special assessments, before the constitutional right to work, which is the heritage of every American citizen, can be exercised.

Let me quote from this letter:

I am a labor foreman at Fort Belvoir, and work for Potts & Callahan Co. The Building Laborers Local No. 74, located here in Washington, has given me until tonight, Friday, November 29, as a deadline to join their union or be dismissed. The organizer told me Tuesday, Friday (today) would be my last day unless I joined. The cost of joining is \$58.

I get \$50 a week straight time now. The union scale is 92½ cents per hour, or \$37 for a 40-hour week. By joining I leave myself open for a cut. So I am not joining even though I am dismissed.

They are after all the labor foremen. None of them I have talked to intend joining, or so they tell me. So they may all get let out if the union has the power to do it.

Hope you will look into this situation.

I am turning it over to the House.

This letter presents a fundamental issue. This man asks whether he must take a \$13 a week cut or give up his job on a Government project.

That is the issue he presents in his letter. I am presenting that issue to the Congress. Has the Congress the courage to give this man the answer to which he is entitled?

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks I may make today and include therein some excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### PROFIT SHARING IN DEFENSE INDUSTRY

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Mr. Speaker, the Vultee strike is over but the problem it presents is not solved. The Attorney General has rightly condemned the Communist interest in promoting such strikes in defense industries, and we here join him heartily in that condemnation. Yet condemnation does not solve a problem. This problem extends its roots in many directions, but the taproot is the "cost-plus" contract, an



evil considered to be necessary in these times. The cost-plus contract leads labor to believe that increased wages are of little consequence to the manufacturer, and the manufacturer meantime knows that most all his profit will be taxed away from him as excess profits.

Common sense leads us to the knowledge that mounting costs of production including mounting wages when projected into future time of peace will place our industry and our labor in a most disadvantageous position in competitive foreign trade. Therefore, for the good of all, and in the best interest of our Government and its budget, I earnestly propose that both labor and industry consider sharing the plus in the cost-plus rather than raising the cost. [Applause.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, it has been well said that death loves a shining mark. Two of the most outstanding, distinguished, and beloved citizens of Alabama have, since the last meeting of this House, passed to the Great Beyond and to their eternal reward. Each was a brother of a Member of this House. Dr. Albert S. Steagall, of Abbeville, Ala., and Judge Matt Boykin, probate judge of Mobile County, Ala., beloved brothers, respectively, of our beloved colleagues, HENRY B. STEAGALL and FRANK W. BOYKIN, have gone from the scenes of their earthly activities to a well-earned rest, amid the plaudits of their fellow men, to receive the heavenly plaudit, "Well done, good and faithful servant," which will be theirs.

I know that every Member of this House will be distressed by this sad news, and that our hearts will go out in sympathy to our bereaved Members and to the other members of the stricken families.

#### EXTENSION OF REMARKS

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an article from the Christian Science Monitor.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I have two requests. First, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution adopted by the Inglewood Realty Board, of Inglewood, Calif., in respect to the need for military protection for airplane plants working on production under the national-defense program.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Further, Mr. Speaker, I ask unanimous consent that after all regular business has been completed today I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects, and include in each some short articles.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program today and following any special orders heretofore entered I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, last Thursday I was given permission to extend my own remarks in the RECORD and include therein a statement of Herbert Hoover on feeding Europe. I find that it exceeds the limit slightly, and I, therefore, ask unanimous consent to include it regardless of that fact.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement addressed to the President relative to highways.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BENDER asked and was given permission to revise and extend his own remarks in the RECORD.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, the Sunday papers announce that there will probably be two budgets, a budget for the regular establishment and then one for the war emergency. I am reminded of 1933, when the regular Government expenses were reduced a little for a while and those items of the so-called economic emergency were considered separately, and soon they were made permanent, and then there was only one budget. What I am contending is there is no use in having two budgets. The war emergency is going to be made permanent, too, and last just as long as this administration lasts, and we might just as well accept that and have one budget now instead of two. [Applause.]

#### EXTENSION OF REMARKS

Mr. MAHON asked and was given permission to revise and extend his own remarks in the RECORD.

#### APPOINTMENT OF UNDER SECRETARY OF WAR

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4370) authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe the duties, and concur in the Senate amendment to House amendment No. 2.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment to the House amendment.

The Clerk read as follows:

At the end of the matter inserted by said House amendment insert the following: "The compensation of the Assistant Secretary of War shall be at the rate of \$10,000 per annum."

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain exactly what this amendment does and why it is necessary?

Mr. COSTELLO. The amendment merely sets forth the salary that is to be paid to the Assistant Secretary of War of \$10,000, which is the amount that the Assistant Secretary of War is now receiving. The purpose of inserting it in the bill is to clarify the situation and make definite that this amount should be paid to him. At the present time he is receiving that amount of salary, but if the legislation passes without

this provision being enacted, there might be some doubt as to whether he should or should not receive a salary at all.

Mr. MICHENER. In other words, the bill that passed the House the other day created a new position of Under Secretary of War; and how much salary does that position carry?

Mr. COSTELLO. The bill carried a salary of \$10,000 for the Under Secretary of War, but it did not mention the salary that was to be paid to the Assistant Secretary of War.

Mr. MICHENER. And the real purpose of that bill is to create a new office in between the Secretary of War and the Assistant Secretary of War, so that this new officer will outrank the present Assistant Secretary of War. Is that correct?

Mr. COSTELLO. The gentleman is quite correct.

Mr. MICHENER. Am I correct in this statement, that when the President appointed Secretary Stimson, as reported in the press, Mr. Stimson took the position with the understanding that he was to select his own Assistant Secretary of War, who would be responsible to him? Now under this proposed law, this Under Secretary of War will be appointed by the President and will be responsible directly to the President, and the Assistant Secretary of War, Mr. Patterson, will be a figurehead, and the purpose of this amendment is to see that this figurehead continues to get \$10,000 a year. Am I correct about that?

Mr. COSTELLO. The Under Secretary of War would be responsible to the Secretary.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, so that another body may have time to consider the Smith amendments, while we are thinking this over, I object.

The SPEAKER. Objection is heard.

#### SETTLEMENT OF DISPUTES WITH THE UNITED STATES

The SPEAKER. The Clerk will report the Senate amendments to the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 8, after "hearings", insert: "Such notice shall be published in the Federal Register, shall state the date of the public hearing, which shall be not less than 10 days after the date of the notice, and shall set forth the language of the rules proposed to be adopted. After the public hearing, such rules or amended rules dealing with the same subject may be approved."

Page 3, line 19, strike out "Any" and insert "Within 1 year after the date of the approval of this act any."

Page 3, lines 20 and 21, strike out "in force on the date of the approval of this act and."

Page 3, line 21, strike out "not."

Page 3, line 21, after "force", insert "on such date."

Page 3, line 21, after "of" where it appears the second time, insert "less than."

Page 3, line 22, strike out "or more."

Page 4, lines 1 and 2, strike out "public hearing, if requested within 10 days thereafter" and insert "a public hearing if the same be requested within 20 days after the publication of such notice."

Page 4, lines 19 and 20, strike out "In addition to the jurisdiction heretofore conferred upon the" and insert "The."

Page 4, line 21, strike out "that court."

Page 4, line 22, after "filed", insert "by any person substantially interested in the effects of any administrative rule."

Page 4, line 22, after "any", insert "approved."

Page 6, lines 8 and 9, strike out "who shall act as chairman of the board."

Page 6, line 10, strike out "the hearing of" and insert "hearing and determining."

Page 6, line 16, after "rule", insert "Each employee so designated as a member of an intra-agency board shall, before he enters upon his duties as such member, take an oath or affirmation that he will act impartially with respect to all matters pending before such board without regard to the position of the Government as a party in interest, and that he will decide such matters upon their merits in accordance with law and the evidence presented."

Page 8, strike out lines 23 to 25, inclusive, and lines 1 to 10, inclusive, on page 9.

Page 9, line 11, strike out "(e) Where any matter arises" and insert "(d) In any controversy arising."

Page 9, line 13, strike out "matter" and insert "controversy."

Page 9, line 13, strike out all after "trial" down to and including "agency", in line 17, and insert "examiners. Whether heard by such examiner or by the independent agency itself, a full and correct written record and written findings of fact, and the proposed decision, shall be filed in the office of the independent agency."

Page 10, line 1, strike out "of the examiner."

Page 10, line 11, strike out "(f)" and insert "(e)."

Page 11, line 5, after "days", insert "after the date of receipt of the copy of the final decision or order."

Page 11, line 9, after "the", where it appears the third time, insert "date of the."

Page 11, line 15, after "served", insert "by the petitioner."

Page 11, line 25, after "agency", insert "Upon the filing of any such petition for review, the court to which the same is directed shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to grant such temporary relief by restraining order, mandamus, or otherwise as it may deem just and proper."

Page 12, lines 17 and 18, strike out "(1) that the findings of fact are clearly erroneous; or (2)" and insert "(1)."

Page 12, line 19, strike out "(3)" and insert "(2)."

Page 12, line 20, strike out "(4)" and insert "(3)."

Page 12, line 23, strike out "(5)" and insert "(4)."

Page 12, line 24, strike out "(6)" and insert "(5)."

Page 13, lines 1 and 2, strike out "; and (7) that the decision is otherwise contrary to law."

Page 13, line 3, after "appeals", insert "under this section and section 3 of this act."

Page 13, line 16, after "disagreement", insert "on any question of law."

Page 13, line 24, strike out "Such further" and insert "Further."

Page 14, line 6, strike out "damages" and insert "a reasonable penalty as part of the costs."

Page 14, line 18, strike out "the conduct of."

Page 14, line 9, after "establishments", insert "including the Council of National Defense and the Advisory Commission thereto, the Priorities Board and any other agency or authority hereafter created to expedite military and naval defense."

Page 14, line 19, strike out "conduct of the."

Page 14, lines 23 and 24, after "Commission", insert "the Civil Service Commission."

Page 14, line 25, strike out "conduct of the."

Page 14, line 25, and page 15, line 1, strike out "conduct of the."

Page 15, line 1, strike out all after "Justice" down to and including "provided" in lines 2 and 3.

Page 15, line 4, after "copyright", insert "personnel."

Page 15, line 5, after "laws", insert "or the Agricultural Marketing Agreements Act of 1937 and any act supplemental thereto or amendatory thereof."

Page 15, lines 8 and 9, strike out "or has failed to receive appointment or employment by any agency or independent agency."

Page 15, lines 17 and 18, strike out "without further requirement" and insert "unless otherwise prohibited by law."

Mr. SUMNERS of Texas. Mr. Speaker, I move to concur in the Senate amendments, and I ask for recognition.

The SPEAKER. The gentleman from Texas moves that the House concur in the Senate amendments. The gentleman from Texas is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, the amendments, put in the bill by the Senate, that have just been read are principally clarifying amendments. However, there are several amendments that go to the substance of the bill. I shall direct my remarks to two of those amendments.

The Senate amended section 4 by striking out all of subsection (d). This was a section in which it was provided for the payment of damages where a person's property was taken without there being an adjudication or final determination of the matter in controversy and provided for the payment of pecuniary damage. That applied principally to orders of the Department of Agriculture, where, for example, a shipload of salmon was ordered destroyed without there being a hearing on the question of whether or not the entire shipload was contaminated. It applied to the destruction of orchards in Florida, where the Department of Agriculture ordered that certain sections be destroyed in order to eliminate the fly pest and similar other cases.

The Senate struck that out, which means, of course, that citizens will be relegated, in the event this bill becomes law, to the remedy that they have under existing law.

One of the other amendments that goes to the substance of the bill has to do with the setting aside of a decision of the administrative agency. The Senate struck out the provision that was in the bill as it passed the House, requiring the Court to set aside a decision where the findings of fact are clearly erroneous.

In the judgment of the Committee on the Judiciary, that is not of great importance, because the Supreme Court in the case of the Appalachian Power Co. against National Labor Relations Board has laid down a rule with respect to substantial evidence that permits the Court to go as far



in setting aside a decision as the majority of the members feel the Court should go. In that case the Supreme Court held that substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Probably the elimination of this one reason for the setting aside of a decision is a good thing at this time. I am not so certain. However, our committee has accepted that amendment as well as all of the others.

Now let me call attention to some recent decisions of the Supreme Court that offer conclusive proof that this legislation is needed, and is needed now.

The law of the land, the last pronouncement of that Court on this subject is the case of Federal Communications Commission against Pottsville Broadcasting Co., decided some time in the early spring of this year. In that case the Supreme Court said this:

It is always easy to conjure up extreme and even oppressive possibilities in the exertion of authority. But courts are not charged with general guardianship against all potential mischief in the complicated tasks of government. The present case makes timely the reminder that "legislatures are the ultimate guardians of the liberties and welfare of the people in quite as great a degree as the court." (*M., K. & T. Railway v. May*, 194 U. S. 267-270.)

Congress, which creates and sustains these agencies, must be trusted to correct whatever defects experience may reveal. Interference by the courts is not conducive to the development of habits of respectability in administrative agencies.

My friends, there is an engraved invitation from the Supreme Court of the United States to the Congress to enact legislation that will permit the courts to review the decisions of administrative agencies.

In that particular case the court said, in effect, that the agency was wrong in its decision; that the conclusions that were reached by the Federal Communications Commission were away beyond any authority given to that Commission by the Congress. But the Supreme Court said that that is a matter for the Congress to correct. So, I repeat, there in that decision is an engraved invitation for us to meet this situation.

This decision follows the decision in the case of Lukens against Perkins. All of you are acquainted with the so-called Walsh-Healey Act. In that act we provided for the payment of minimum prevailing rates of wages in localities in which work, and so forth, is to be done for the United States. The Labor Department found as a fact that 62½ cents an hour—a wage which, incidentally, is not enough—was the minimum rate of wages, when in fact it was the maximum. It was the rate paid by one of 64 steel companies in the eastern part of the United States. The Labor Department found that 62½ cents an hour was the prevailing rate, when it was the exceptional rate.

One of the so-called Little Steel companies took an appeal to the circuit court of appeals from the decision of the district court refusing to grant an injunction against the Secretary of Labor. The circuit court of appeals overruled the district court in a sound opinion that could not be honestly criticized. The case then went to the Supreme Court of the United States. The Supreme Court said, in effect, that even though the decision of the Labor Department was erroneous, and it clearly was, Congress did not provide for a review of the decisions of that agency and therefore the aggrieved citizen was without a remedy. In its opinion the Court ignored entirely the very plainly expressed intent of Congress in its desire to pass on to the Congress the responsibility of compelling the agencies which we create to carry out their work in accordance with the law. These are only two of a great many instances of clear abuse of power which I could stand here and enumerate if I had the time and the inclination.

Since the turn of the century the courts have gradually departed from the old rules of providing for judicial review of decisions of administrative agencies and have come around to this final pronouncement. I say that it offers conclusive proof that we, the Representatives of the people, must insure to every citizen his day in court through the enactment of this bill or a similar one. A great deal of time—many months—has been spent in the consideration of this legislation, and I

have yet to hear a valid argument against it. When the Senate had the bill under consideration it is very significant to note that no opposition to the merits of the bill was offered, and in that I am indeed disappointed, because I did want to know what could be said against the bill. To those who criticize the bill without advancing any reasons for their criticism except the bare statement that it will hamstring the agencies of government, let me point out the fact that there are provisions for court review of decisions of administrative agencies and those agencies are not prevented thereby from carrying out the functions they were created to perform. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, last week the chairman of the Judiciary Committee gave notice that on today the Committee would move to take from the Speaker's table the Walter-Logan bill, H. R. 6324, and seek to have concurrence in the Senate amendments.

Why is this House being asked to concur in the bill as it passed the Senate instead of sending the bill to conference so that the long list of Senate amendments can be thrashed out and explained? Could it be that the explanation for this unusual procedure is that the Senate amendments cannot stand analysis?

The circumstances under which the Senate made the amendments to the bill are most significant. The Committee on the Judiciary did not offer any explanation of the proposed amendments either by way of a committee report or on the floor of the Senate. On November 26, 1940, Senator BARKLEY, the majority leader, after stating his opposition to the measure and his belief that the Senate ought not to act upon the bill without the benefit of further information, informed the Senate that—

If the proponents of the legislation are ready for a vote on it now, we are ready for a vote on it now. \* \* \* Let the Senate declare itself, and let the country understand the circumstances under which the vote is taken.

The clerk thereupon proceeded to state the committee amendments, and the Senators were called upon to vote. The Senate Committee on the Judiciary offered 13 amendments to the bill. All of these were adopted summarily without the benefit of any debate upon their merits. Similarly, an amendment offered by Senator HATCH was agreed to without any discussion.

The House is now being asked to accept on faith alone these 14 amendments which were made in the Senate without debate or discussion. Among these amendments are an unconstitutional provision, an amendment deleting a provision which this House had voted to retain, and an amendment failing utterly to carry out its obvious purpose of reconciling this bill with the interests of national defense. An examination of only 5 of these 14 amendments to the bill will demonstrate the necessity of a thorough exploration of the purposes underlying them and of the adequacy of the language used to carry out the ends in view.

First, Section 2 (a) of the House bill provided that administrative rules shall be issued "only after publication of notice and public hearings." The Senate has amended this provision so as to require that all notices of hearing "shall set forth the language of the rules proposed to be adopted." Only the rule proposed, or that rule as amended, can be promulgated.

This amendment bears the earmarks of hasty, ill-considered action. We all know that many agencies, dealing with new problems, find it necessary to hold hearings in order to obtain information upon the basis of which regulations may be drafted. These are "informational hearings," whose purpose it is to discover whether, in the public interest, any regulation should be issued at all, and if so, what form the regulation should take. It would defeat the whole purpose of such a hearing if the agency had to issue in advance a proposed draft of a rule.

Now suppose as informational hearing is held without a proposed rule, and the agency has received full information and has given full opportunity for the expression of views by all interested parties. Even though the rule which the

agency wants to put out is satisfactory to all concerned, there will have to be another hearing on the proposed rule before it can be made effective.

One looks in vain for some evidence that the Senate has considered the practical effect of this amendment upon the actual workings of the agencies. Is it not the obvious duty of the House to inquire more closely into the question before taking final action on the Senate amendment?

Second. Section 4 (d) of the House bill affords a full and fair hearing on any matter arising out of the activities of any independent agency. The Senate has amended this provision so as to strike out the word "matter" and substitute in its place the word "controversy."

Now this might seem, on casual inspection, to be a minor change not worthy of much attention. Yet, let us examine the amendment a little more closely. The word "controversy" is defined by section 1 (9) of the bill to mean "any dispute or disagreement concerning any claim, right, or obligation for or against the United States and any refusal to grant any license, permit, or other privilege." Suppose the Labor Board issues a complaint charging an employer with an unfair labor practice. This is a matter on which a hearing is now required. Yet is this a "controversy" within the meaning of the Senate amendment? Clearly not. It is not a dispute concerning a claim, right, or obligation for or against the United States, nor is it a refusal to grant any license, permit, or other privilege. Under the Senate amendment an employer may find himself without the right of hearing in such a case. Do the proponents of the bill in the House conceive this to be its purpose?

Similarly the Civil Aeronautics Administration now holds a hearing before issuing a certificate of public convenience and necessity. Such a proceeding does not fall within the definition of "controversy" and, consequently, under the Senate amendment, there is no right to a full and fair hearing.

Is the House going to accept an amendment with such peculiar consequences upon faith and faith alone?

Third. Section 5 (a) of the bill, as passed by the House, provided, in part, as follows:

Any decision of any agency or independent agency shall be set aside if it is made to appear to the satisfaction of the court (1) that the findings of fact are clearly erroneous; or (2) that the findings of fact are not supported by substantial evidence; or (3) that the decision is not supported by the findings of fact. \* \* \*

The Senate adopted an amendment striking out "(1) that the findings of fact are clearly erroneous." This deletion of the provision for judicial review of findings of fact was made without explanation and apparently without any realization of what was being done.

This clause was the subject of considerable study and debate while the bill was before the House. For example, in the hearings held before the subcommittee of the House Committee on the Judiciary, several witnesses called attention to its importance. The gentleman from New York, Representative Celler, in his minority report of the Judiciary Committee, emphasized the fundamental changes which would be accomplished by the provision:

Section 5 (a) would permit the courts to review the weight of evidence and upset the findings of fact of administrative bodies and officers if the courts deemed them contrary to the weight of evidence. This far-reaching result is to be accomplished by the seemingly innocuous clause which would permit the court to reverse findings of fact if clearly erroneous. What constitutes "clearly erroneous" is, of course, a matter of opinion. These are the words of rule 52 of the Federal Rules of Civil Procedure, which have been construed as permitting the courts to review the findings of a trial court. There is, of course, a vast difference between the findings of a trial court and the findings of an administrative tribunal or officer. It is a principle that has been deeply imbedded in administrative law for a great many years that findings of the latter type should not be subject to appellate review, unless it appears that they are not supported by substantial evidence. The Supreme Court has recognized this principle in its decisions; the Congress has done so in legislation providing for court review in certain quasi-judicial matters. Finality in respect to findings of fact must reside somewhere if the operations of government are not to be constantly delayed and fettered.

In explaining the bill to the House, its sponsor, the gentleman from Pennsylvania, Representative WALTER, stated (86 CONGRESSIONAL RECORD, page 4537):

There is a serious question as to how far the courts may go in setting aside the decisions of any agency. The bill provides seven grounds for the reversal of a decision of an agency. The first ground is that the findings of fact are clearly erroneous. This is the rule of the Supreme Court of the United States, that applies when a circuit court passes on the judgment of a judge trying a case without a jury.

After considerable discussion of the merits of this clause authorizing the court to set aside an administrative order where the findings of fact upon which it is based are clearly erroneous—probably more discussion than on any other provision of the bill—the gentleman from Mississippi, Representative RANKIN, offered an amendment on April 17, 1940 (86 CONGRESSIONAL RECORD, page 4670), striking out this provision. The gentleman from Pennsylvania [Mr. WALTER] on behalf of the Committee on the Judiciary, agreed to the amendment of the gentleman from Mississippi [Mr. RANKIN]. Nevertheless, when the question was put to a vote, the House voted—by a teller vote of 106 to 70—to reject the amendment.

It is apparent, therefore, that the Senate, without any independent consideration of the merits or significance of its action, has amended the House bill so as to eliminate a provision which was regarded in the House as being of fundamental importance. After full consideration and debate, the House rejected the amendment which was made by the Senate without the benefit of any explanation whatever.

Is not this House entitled to an explanation why it is being asked to accept, without a conference, an amendment previously rejected?

Fourth. The Senate amended section 5 (b) of the act to provide for review by the Supreme Court of decisions of the District of Columbia Court of Appeals reviewing administrative rules under section 3 of the bill. This provision is clearly unconstitutional.

Section 3 of the bill, as passed by both the House and the Senate, provides that the District of Columbia Court of Appeals shall have jurisdiction to hear and determine whether any administrative rule is "in conflict with the Constitution of the United States or the statute under which issued." It is further provided that the court "shall have no power in the proceedings except to render a declaratory judgment holding such rule legal and valid or holding it contrary to law and invalid."

During the course of the debate in the House the gentleman from Iowa [Mr. GWYNNE] called attention—86 CONGRESSIONAL RECORD, page 4538—to this provision and to the indisputable proposition of law that an advisory opinion on an administrative rule as provided for in section 3 of the bill does not come within the "case or controversy" requirement of article III of the Constitution, and, consequently, such advisory opinions could be rendered only by the District of Columbia Court of Appeals, which is a so-called legislative court. Obviously, the Supreme Court cannot be vested with jurisdiction to render advisory opinions under section 3 of the bill—the jurisdiction of the Supreme Court is limited to actual cases or controversies. This is a fundamental principle of constitutional law which has repeatedly been reaffirmed by the Supreme Court. As an example, I call your attention to the case of *Keller v. Potomac Electric Power Co.* (261 U. S. 428), at page 444.

In explaining the bill to the House the gentleman from Pennsylvania [Mr. WALTER] took notice of this elementary rule of constitutional law. He stated that the court of appeals' power to render advisory opinions under section 3 was final, and that this finality of decision was desirable because "we would not want the business of our Government \* \* \* tied up through endless litigation; so the right to review lies in the circuit court of appeals and from that decision there is no further appeal."

The majority report of the House Committee on the Judiciary also referred to this question:

It cannot be stated with certainty at this time whether the Supreme Court of the United States would review the decisions of the United States Court of Appeals for the District of Columbia in the exercise of jurisdiction under section 3 of the bill. It is to be hoped that the Supreme Court will do so in proper cases, but even if it does not do so the individual will receive greater protection than he now has through the exercise of greater care on the part



of the administrative agencies to make their rules conform to the terms of the law and through the subsequent review by the United States Court of Appeals for the District of Columbia.

It is obvious that the Members of the House were aware of the constitutional prohibition against vesting the Supreme Court of the United States with so-called advisory jurisdiction to render abstract judgments with respect to the validity or invalidity of administrative rules.

Nevertheless, the Senate amended section 5 (b) of the bill to add the italic words:

*The judgments of the circuit courts of appeals under this section and section 3 of this act shall be final, except that they shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 244 of the Judicial Code as amended.*

Under the Senate amendment, the advisory opinions of the District of Columbia Court of Appeals are subjected to review by the Supreme Court of the United States. This amendment flagrantly disregards the provisions of the Constitution and the decisions of the Supreme Court interpreting the Constitution. Any student who has taken even the most elementary course in constitutional law knows that the Senate amendment is unconstitutional. I am dismayed that the distinguished chairman of the Judiciary Committee—known the length and breadth of this land as a profound scholar in the field of constitutional law—should ask this House to concur in such an amendment.

Fifth. At the last minute, Senator HATCH offered an amendment proposing to insert in section 7 (b) of the bill, which enumerates the agencies excepted from the provisions of the bill, the following: "Including the Council of National Defense and the advisory committee thereto, the priorities board, and any other agency or authority hereafter created to expedite military and naval defense." This amendment was agreed to without explanation or discussion.

This amendment is a legislative afterthought, hastily drawn and hastily enacted, designed to prevent the Walter-Logan bill from hampering the national-defense program. Yet, even superficial examination makes it clear that the amendment falls far short of accomplishing this purpose. For example, it is extremely debatable whether an agency set up to exercise the price controls which might be necessary in a period of national emergency would be considered an agency "created to expedite military and naval defense." If it were not so considered, its every action would be subject to the paralyzing provisions of the bill. It would not be difficult to name at least a dozen other agencies whose functions might be necessary to the successful operation of the national-defense program and as to which there would be grave doubt whether they were agencies "created to expedite military and naval defense."

Moreover, the exception covers, in addition to the agencies expressly named, only those defense agencies which are created hereafter. Yet, no one can deny that several existing agencies are performing functions which are indispensable to the workings of our defense program. In this connection, it is sufficient merely to refer to the functioning of the Defense Communications Board, which works in cooperation with the Federal Communications Commission, Army, Navy, and other government Departments. If the President found it necessary to delegate some of his emergency powers to an executive department or to any one of the great number of agencies which are subject to the provisions of this bill, this amendment would not achieve its purpose of freeing the defense program from the bill's restrictive provisions. It is extremely doubtful, moreover, whether the administration of the Selective Service Act is excepted from the provisions of the bill as amended by the Senate.

The House passed this bill before the fall of the French Republic, before our great national-defense effort got under way. The Senate had a chance to deal with the problem but it failed.

I say to you that the Senate amendment fails to take care of the needs of national defense. I say to you that the Walter-Logan bill, as it stands before you today, would throw a monkey wrench in our great defense effort. The House

must see that this amendment is so written as to carry out its obvious purpose—or take the consequences.

These are 5 of the 14 amendments made by the Senate. Can there be any doubt that further study and conference is necessary before any action should be taken on these 5 amendments as well as the other changes made by the Senate? The passage of this bill, encumbered by these ill-conceived, hastily-drafted, never-explained Senate amendments, is an abuse of the legislative process far worse than any of the abuses charged to the administrative agencies by the proponents of this legislation.

Mr. Speaker, why is there such a desire to rush this bill through this House? As I said the other day, we have gone along for over 150 years without legislation of this character. Is it going to be harmful for us to go along without it for another 2 or 3 months? I say to you in all sincerity that, in my judgment, the movement to send this bill to the White House today is not sound legislative procedure. No one knows this better than the gentleman from Texas [Mr. SUMNERS] and the gentleman from Pennsylvania [Mr. WALTER].

The gentleman from Pennsylvania [Mr. WALTER] said on this floor the other day that the President's committee named by the Attorney General had held only 1 meeting. It has held 26 meetings—6 were public meetings—and it will hold another meeting this week. It has secured information from every Government agency. It is going along in a proper orderly way to bring before this Congress information that it needs in order to properly consider legislation of this character. We can all wait until this information comes to us. There seems to be no reason why this bill should be hurried along.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. In a moment. Mr. Speaker, I may say to the gentleman from Michigan [Mr. MICHENER], who asked the other day: "Why make this a political question? This is not a political question." No; it should not be a political question; nor do I want to make it a political question. Let us think of the welfare of the people of our country and not of politics. But when you look at the vote in the House of Representatives on this bill and you find a solid Republican vote in favor of the bill, and then to the other side of the Capitol and find a solid Republican vote in favor of the bill, what conclusion must you draw as to who made it a political question? Surely it was not the Democrats.

I say to my colleagues who have stood on this floor and worked night and day in behalf of the progressive legislation we have enacted during the last 8 years: Here is an effort to destroy that legislation; here is an effort to take away from the masses of the people of this country all the benefits we have granted them. That was the issue in the last campaign. Do you want to keep your benefits, or do you want to let someone destroy them? The American public by a great majority said they wanted to retain those benefits. Here is an opportunity to retain them. Retain them by voting down the motion offered by the gentleman from Texas [Mr. SUMNERS]. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this is a very important item of legislation. In the beginning I want to direct the attention of the House to one amendment referred to by the distinguished gentleman from Missouri [Mr. COCHRAN], who has just spoken. This amendment and the provision of the bill of which it is amendatory is a thing in which everybody in the House is tremendously interested. They have to do with selective training, or what is popularly known as compulsory military service, if the conclusion of the gentleman from Missouri [Mr. COCHRAN] is sound—that the Senate amendments or the bill as amended would result in retarding the defensive efforts on the part of this country—then I agree the motion which I have made to concur ought to be defeated.

This bill was formulated in the Committee on the Judiciary when I was in the hospital last year, and I am not as familiar with the details of the bill as are other members of the com-

mittee. The gentleman from Pennsylvania [Mr. WALTER], chairman of the subcommittee, has had major responsibility. But this particular amendment was called to my special attention and I have looked into it carefully. I am positive that my good friend's apprehensions are not well founded. Insofar as I know, that view is held by the membership of the committee. For the purpose of the record, I want to make a brief statement with regard to that amendment.

The question is, Does the language contained in the bill as amended in the Senate exempt the activities of the Selective Training and Service Act from the powers of this bill? This is the language of the applicable portion of the amended bill. I quote subsection (b), section 7, near the bottom of page 15:

Nothing contained in this act shall apply to or affect any matter concerning or relating to the Military or Naval Establishments, including the Council of National Defense and the Advisory Commission thereto, the Priorities Board, and any other agency or authority hereafter created to expedite military and naval defense.

It will be observed that the word "matter" is used, which is perhaps as broad a word as there is in the language.

I know of no broader word in the language—at least, no word of more general use or of broader meaning wherever appropriately used. It is not only broad in its whole scope, capable of covering the physical universe, litigation, and everything else that I know anything about, but it is broad particularly in the field of legislation, government, and judicial decisions.

The provision of the bill under examination is that "nothing contained in this act shall apply to or affect any matter concerning or relating to the Military or Naval Establishments." The word "matter" is used as a synonym to "thing" in this provision. It is broader, however, than "thing."

It will be observed from this language that the bill not only excludes from the operation of this bill the specific agencies that are having to do with the Army and the Navy, but it excludes whatever any other agency not excluded may do concerning or related to the Military or Naval Establishments; not merely the Army and Navy but more broadly to the "Military and Naval Establishments." It is perhaps broader than the authors intended it to be. It covers everything that may be done by any agency concerning or relating to the Military and Naval Establishments.

Certainly nobody will contend that the activities under the Selective Training and Service Act—I believe that is the title—or those who are operating the machinery established by the Selective Training and Service Act, are not doing a thing that is of "concern" to the Naval or Military Establishments or that "affects" them. They are providing for those establishments all their personnel that does not reach the Army and Navy by volunteer enlistment. There can be no controversy about that. It was largely for the specific purpose of exempting those activities that the Senate amendment was incorporated.

The next question is, Does the inclusion of the Council of National Defense, and so forth, in the Military and Naval Establishments by specific mention, under the rules of construction "the expression of one thing is the exclusion of another," bring the activities under the Selective Training and Service Act, done to provide Army and Navy personnel, within the provisions of the bill? It will be observed that the language "including the Council of National Defense and the Advisory Commission thereto, the Priorities Board, and any other agency or authority hereafter created to expedite military and naval defense" broadens the normal definition of the Military and Naval Establishments. It brings these particular activities into the Military and Naval Establishments and is language of expansion of those establishments and not language of exclusion. When you come back to make an examination of the language to which I first directed your attention, you will find, as I have already indicated, that this language in its application is not at all limited to the Army and Navy Establishments, whether considered within their normal limits or as expanded by the provisions of this bill, but it goes far afield in the anxiety and purposes of everybody connected with this legislation that it do not inter-

fere with the preparedness program, an important part of which is provided for in the Selective Training and Service Act. It has gone so far afield as to exempt acts done by any agency that concerns or is related to the Military or Naval Establishments.

Now may I say just a word with regard to this sort of legislation to which my friend is in opposition. He made some observations that we have gotten along for 150 years without this sort of legislation. That is true, but the plain fact is, and everybody knows it whether you approve of it or not, that in the last 10 years we have gone infinitely further in the direction away from which this bill would seek to turn our faces than we have gone in the remainder of the 150 years of that history. That is just the plain fact. Whether you approve it or disapprove it, that is so. This is another fact which cannot be controverted, the direction in which we are now traveling, with reference to individual rights and the allocation of governmental powers, whether you believe it necessary or not, it must be agreed, is in the opposite direction from that which we have believed we were traveling for over a thousand years of what we believed was democratic progress. We have gone so far and traveled so fast that if we are to turn back, we must now call upon the legislative genius of America and the administrative purposes of America to devise some plan, speaking specifically to the purposes of this bill, under which private citizens aggrieved by the determinations of these boards may have adjudication by a court, or else we have to abandon our system of government. There is no use trying to fool ourselves about that. [Applause.] I know it is difficult to reverse the trend. I am not sure how we are going to do it. I am not sure we have got the will to make the fight and pay the price in order to retain a government of laws and the necessary governmental machinery and the necessary distribution of powers of a democracy, but I am not willing to abandon the effort because it is difficult. It is certain we cannot do this job unless we try.

Speaking practically, I do not know now how we can reach the road we left. I know the general direction and I know where this road we are traveling now leads to, and I do not want to go there. I believe in the people and their capacity to govern themselves, but we have got to preserve democratic institutions and a democratic distribution of governmental powers if we are to preserve a democratic government. While millions of other peoples are risking their lives to preserve the possibility of such a government we are moving governmental powers into an appointed personnel and are fighting only whether we shall subject the exercise of those powers to a judicial review. Trying to turn back against the pressure of the present trend, of course, will be a difficult job. We are probably going to find out how to do it only by trying to do it, by working at it. It cannot be done in a partisan spirit. This is a job for all the people. There is no use in criticizing these administrative officers. They are trying to do their jobs. They are running true to form under the sort of government we are now operating. They do not want to be interfered with by some court. That is a natural attitude under the circumstances. That is an attitude associated with the kind of power they possess. I have heard people get up on the floor of the House and criticize this administrative officer or that administrative officer. Fundamentally considered the fault is not with them. Personally I like the ones I know. They are trying to do a good job. They do not want to give up any of their power. That is a natural thing. They do not want any court interfering with it. The greater their arbitrary power the less the disposition to submit its exercise to review. These things are basic in human nature, not personal.

I doubt if either Hitler or Mussolini would consent to have their acts reviewed by a court proceeding under the provisions of law and the rules of evidence. We cannot deal with the great problems of government by criticizing persons. It is a natural, established limitation of human nature that with the consciousness of great power there goes its oppressive exercise. That is the lash of nature punishing people who clothe officials with powers which cannot be questioned else-



where. In a free government men are not supposed to exercise arbitrary power over other men. There is supposed to be some tribunal to examine the conduct of every human being, whether public official or private citizen, whose conduct affects any other human being. It is recognized that that ideal cannot be fully attained, but it is the objective toward which the people of a democracy should constantly struggle.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, what I am saying is not in criticism. It was stated recently on this floor that this bill is a reflection upon the President. It is not. We have got to get away from that attitude. There is only one big job in America, and that is preserving this, the greatest system of popular government that has even been evolved through the processes of the ages. [Applause.] That is not an easy job, but it is the big job, worthy of the supreme effort of a great people, who, unfortunately, have not been working much lately at the job of governing themselves. It is a job that challenges the supreme effort of as great a genius as was developed by any legislative body on earth. The question is, Can we make the grade? Every trend of these times is pushing us backward on what has been universally recognized as the road of progress of popular government. This does not mean we have to yield to that pressure any longer. That is where we make a mistake these days. We seem to assume that the way we should go is the easy way. The easier way is the way downhill. The way of progress is up hill. There is lots of sweating, straining, and effort. The fast way, the easy way, is the way downhill; it is the way that leads to the crash, to death and destruction. It takes a great people to climb the hill that is in front of us. Climbing the hill, surmounting the difficulties, make a great people. Only a great people can retain their freedom in times like these. A people who will surrender their great institutions and fundamental rights because it is difficult to operate the former and preserve the latter cannot win in times like these.

I recognize the difficulties in this situation. It is a job for all of us. I wish we could one day come on the floor of this House and discuss fundamental principles of government and their practical importance without anybody wanting to confuse their consideration by injecting the person element of some public official. I wish the newspapers would help to bring these matters to the deliberate consideration of the people, unconfused by party interest or attitude toward public officials. We have got to close up these lines of cleavage. Policies change. But great principles of free government are as eternal as the God of whose economy they are a part. I wish we could get rid of slogans for a little while, look at the compass, read the signs which the generations which have gone before us along the road of democratic progress have erected for our guidance and our warning.

I have supported much of what is called New Deal legislation, but fundamentally we can get ourselves a new deal when we get ourselves a new god, and not more quickly than that. These great principles of government are evolved out of God Almighty's great economy. He intends that people may be free. That is why they love liberty, that they may struggle to be free and develop by the struggle and develop by the thinking and the doing incident to governing themselves.

We seem to think that just because we are able to go somewhere faster than other generations went, even though we may know less what to do when we get there than any other generation, that nobody else had any sense but us. We are not so sure about that as we were a little while ago.

We have had everything to make us a happy, contented people. Here we are in this tremendous governmental mess, and everybody knows it. I take my part of the blame and the shame of it all. I would like to do something about it. We owe it to those who are to follow us in responsibility.

Talk to me about defense and preparation. What we have to have in this country is a great generation prepared not only to fight but to pay the price in civic service incident to the maintenance of free government on the earth. [Applause.]

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. THOMAS F. FORD. My distinguished friend says that we are struggling up hill.

Mr. SUMNERS of Texas. We have to struggle up hill.

Mr. THOMAS F. FORD. For 20 years we slid down, and now we have been struggling back.

My distinguished friend, the gentleman from Texas, says this measure, the so-called Logan-Walter bill, is designed to check a trend. I assume he refers to the trend that the Congress set in motion when it placed on the statute books the various New Deal measures, measures designed to broaden the opportunities of the average man. All who have studied this measure must realize that if it becomes a law every agency of the Government that was set up to administer New Deal measures will be hog-tied and hamstrung. All activities designed to aid labor, to insure the people cheaper electric rates, to provide unemployment insurance, and old-age pension assistance will be throttled. In fact, this measure will do to the New Deal what Willkie's election was intended to accomplish. The passage of this measure is a complete repudiation of the popular vote given President Roosevelt on the 5th day of November, 1940. I shall vote "no."

Mr. SUMNERS of Texas. Bringing about a condition under which a man cannot go before the courts of his country and have adjudicated a question of individual rights, I do not believe in that respect we are making much progress. I know our job is difficult, but I want to begin trying to do it. The longer we put it off the more difficult this job will become, and the less our capacity to do it will become. The capacity to do a thing begins to disappear immediately after you quit working at it. This bill may have a lot of imperfections. It points in the right direction. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, the Logan-Walter bill is one of the most important measures that has been considered at this session of Congress. Briefly, the bill provides for uniformity of procedure and appeal in the administrative agencies of our government. It provides that if a citizen is substantially affected by an order or regulation of one of these agencies and wants to appeal to an unbiased court—he shall have the right to do so. It would make the decisions and regulations of the various boards, bureaus, and commissions and other agencies, subject to judicial review by the courts. Review would be allowed on the grounds and according to the procedure set out in this legislation. The purpose of the bill is to regulate the administrative bureaus and agencies that have grown up like mushrooms in this country, and to bring their activities under the Constitution and principles of due process of law—which are binding upon the courts of our land. This bill has been described as a measure to regulate the regulators.

This proposed legislation attempts to follow a fundamental principle of our Constitution—that every person is entitled to his day in court and to "equal protection under the law."

Only a few years ago we had approximately 20 or 25 bureaus and commissions as a part of the administrative agency of our Government. That number has increased so rapidly during the past few years that we now have about 130 of these bureaus, boards, and commissions, clothed with more power and more authority than anyone could imagine.

Mistake was made, of course, in not providing procedure of this kind when these agencies were created—but Congress, in its eagerness to carry on the objectives of the administration, created these agencies and granted them the power and authority that has just been described. As a matter of fact, under the present scheme of things, we have practically set up a fourth branch in our Government—by giving these independent offices a combination of legislative, executive, and judicial authority, whose orders are not subject to review by any court, but are absolutely final. No governmental agency should have the right to make its own rules and regulations and then be the final arbiter in such cases.

Mr. Speaker, in my judgment, a good many of the agencies of government have been omitted that could well have been included in this bill; but since the committee have seen fit to leave them out, I am not at this late day going to question their judgment.

A growing power of bureaucracy in a representative government is dangerous, and, if permitted to continue, will destroy democracy itself. These bureaucrats, who may be well-intentioned, are, after all, not responsible directly to the people but only to the administration that appointed them; and it is only human nature for those in charge of the various agencies of our Government to take unto themselves all the power and authority they can assume.

Our Government is one of checks and balances, and this law, when put into effect, will help protect the people against any autocratic control that may come about because of the authority and power which has been placed in the hands of these agencies. Contrary to the fundamental principles of democracy, there has been a trend among these commissions and bureaus by which the fancies and ambitions of men are directing the destiny of this great Nation. In other words, we are becoming a people governed by men and not by law.

Similar provisions to those contained in this measure were included when the Food and Drug Act was enacted; and, by the way, up to this time, I am informed, there have never been any appeals from the decisions of that agency. The very fact that such provision was included in the law, I think, has had a wholesome effect. So far as I can find out, the only serious objections made to the present bill during the hearings were made by the representatives of the bureaus. We do not find representatives of large groups of people of this country opposing this measure, but, on the other hand, we do find groups like the American Federation of Labor, the Grange, the American Bar Association, and others who are asking that it be enacted into law.

Democracy, with all its progress and its ever-increasing complexities, is on trial. Vitally important right now, when we have so many troubles from within as well as without, is the question as to how to further protect our representative form of government, which is rapidly becoming a government of boards, bureaus, and commissions, which, if continued unchecked and unregulated, may destroy the very form of our Government itself.

Mr. Speaker, the whole problem is whether we are to be governed by bureaucrats, rather than by law and the orderly processes of the courts. Or, by putting it another way, we must decide whether or not our Government is to be a democracy controlled by men or governed by law. Unless the situation is checked now, we are headed for a government of administrative absolutism.

Let me quote the great American statesman, the late Senator Borah:

Of all forms of government which have ever been permitted to torture the human family, the most burdensome, the most expensive, the most demoralizing, the most devastating to human happiness, and the most destructive of human values is a bureaucracy. It has destroyed every civilization upon which it has fastened its lecherous grip.

The people of this country are looking to Congress to see that the sacred rights reserved to them under our Constitution and the law of the land are properly protected. The passage of the Logan-Walter bill will, in my judgment, protect those rights.

Mr. SUMNERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. Speaker, any sound interpretation of liberalism means that the individual citizen must be protected alike against the evils of economic and political monopoly. The Walter-Logan bill, therefore, is definitely a piece of liberal legislation which will help protect our citizens against abuses of power and excesses of authority by political boards and bureaus of the Central Government. All true liberals will support this legislation. It is probably the most forward-looking piece of legislation to come before Congress in many years.

For many years, and more especially during the past 8 years, the drift toward the centralization of economic and political authority in Washington has gone forward at an alarming pace. No one interested in genuine self-government and the liberal concepts of the American system whereby the individual citizen is safeguarded from discrimination and dictatorial acts by powerful interests, political or economic, can fail to support the Walter-Logan bill on which we shall vote in a few minutes. The gentleman from Texas [Mr. SUMNERS] well said in his remarks today that the biggest problem confronting America today is the preservation of our system of self-government. I agree with him most emphatically. And to the end that the framework of self-government may be retained and protected in this country, I know of no more important step which this Congress can take than to enact this legislation today by accepting the Senate amendments and passing the bill along for the approval of the President.

Some commentators, both in and out of Congress, have sought to discourage passage of the Walter-Logan bill on the grounds that President Roosevelt would consider it a limitation upon the powers of his Executive appointees and would therefore veto the bill either upon those or upon some less forthright grounds. No man, I believe, is today in position to promise that the President will approve or disapprove this bill and no man can arise today and state for a certainty whether or not this bill is in harmony with the President's plans. I hope those who assume that President Roosevelt is so determined to expand the powers of the Executive to the point of vitiating the entire system of checks and balances upon which our governmental structure rests are totally and eternally wrong. I hope so for the sake of all America. I cannot make myself believe that the President's zest for personal power can be so great that he would veto a bill which has such universal acclaim and support. But, whether this legislation faces Presidential approval or disapproval is not the question at issue; the important thing is not whether or not this bill is in harmony with the Presidential pattern. The thing that really counts in this decision is that the provisions of the Walter-Logan bill are in harmony with the American system of self-government. In fact, in view of recent trends toward the totalitarian technique in this country, it can almost be said that the provisions of this legislation are indispensable to the preservation of the American system of self-government.

This House cannot prevent a Presidential veto, but we can and must keep faith with freedom-loving people everywhere by passing this legislation now that we have it within our power to do so. It is the country's best safeguard—perhaps its only one—against the development of a vast centralization of power in this country which can defeat the functioning of the democratic processes of life if it does not destroy the structure which gave these processes their origin.

Mr. Speaker, we have come a long way from the Jeffersonian concept that "That Government is best which governs least." Between 100 and 150 Federal commissions, boards, bureaus, and agencies now function out of Washington, and the sum total of their regulations—each with the force of law but coming into being without the due processes of law—would, if collected, fill some 20,000 pages. This is more, in volume, than all the laws passed by Congress since 1789. We are told these regulations include over 5,000 different prohibitions against ways of doing business in America; to violate any one of these is to commit a crime. Still the honest businessman, seeking to avoid conflict with the law, can find no one place where he can find these manifold regulations and consult their implications. New regulations and provisions have been multiplying so fast from these more than 100 sources of laws not made by Congress and never considered by any group of men elected by the people that the collectors and the codifiers have been unable to catch up with them. Surely this bill to give the innocent violator of these bureaucratic laws an opportunity to have his day in court is not an unreasonable degree of protection to give the citizen in this Nation dedicated to the principle of government of the people, by the people, and for the people.



I hope this legislation can receive the near-unanimous support of the Members of this House. If this bill becomes a law, December 2, 1940, may well come to be referred to as another great emancipation day in American history; it will mark the day when the first effective step was taken to return government to the hands of the people and to turn back from the ugly goal of administrative absolutism toward which America has been moving by a process rightfully termed by someone as "creeping collectivism." This bill will tend to restore the check-and-balance system which for a century and a half has served us well and will help protect America from falling into the errors of executive supremacy which are today accountable for so much human misery and unhappiness in Europe and Asia.

Permit me now, Mr. Speaker, to conclude these remarks by quoting briefly from a recent editorial on the subject of the Walter-Logan bill written by the ever thought-provoking Raymond Moley and published in *Newsweek* in its issue of December 2:

Having produced this monstrous aggregation of rule-making commissions and agencies, Congress, like Frankenstein, appears incapable of finding a way to control its creature. It has now spent over 2 years kicking around the only measure that has a chance to regulate the regulators—the Walter-Logan bill.

The purpose of this bill is "to prevent administrative absolutism." It makes possible a judicial review, not only of the rules laid down by administrative agencies but of the facts in individual cases. Essentially it gives the citizen recourse to the Federal courts as a protection against a process by which the combined functions of prosecutor, judge, jury, and executioner are lodged in the same bureaucrats.

Committees of the Senate and House began considering this bill more than 2 years ago. The House passed it on April 18, 1940. The Senate had passed a somewhat different version of it on July 18, 1939, but, shortly after, Senators BARKLEY and MINTON had maneuvered to get it returned to the calendar. There it rests, together with the House version and a favorable report from the Senate Judiciary Committee.

The bureaucrats and their spokesmen have made every effort to hinder its passage. To possibly legitimate criticisms of detail have been added the most sweeping objections that no "single formula or set of formulas" can properly regulate the bureaucratic agencies. To the initial maneuverings of Senators BARKLEY and MINTON has been added a series of flagrantly obstructionist moves. Twice the Senate has been asked to delay action until it gets a report on the bill from a committee appointed by the Attorney General. Twice the dates on which the report was supposed to have been presented have gone by without so much as a sight of the report. More than twice the administration has tried to get Congress to go home, knowing full well that the Walter-Logan bill will die if it is not acted upon by the Senate before adjournment.

But some Members of the Senate seem to have realized, at last, the danger—the immediate danger—of the Frankenstein's monster they have set in motion. The very strategy the bureaucrats have employed seems to have given these Members of Congress the jolt they needed. For, after they let themselves be twice put off by the request that they wait for the Attorney General's committee report, they awakened to the fact that they had simply been induced to surrender more of their legislative power to the executive branch of government.

The purpose of Congress is to consider legislation on its own account and through its own expert services. When Congress runs to an administrative agency for advice as to how to extricate itself from a mess it created in giving administrative agencies too much power, and when Congress permits itself to be hog-tied by such an administrative agency, it is destroying the primary reason for its existence.

It would do Congress, the bureaucrats, and the public no harm to ponder what Winston Churchill said last week when a new session of Parliament was inaugurated. "We proclaim," he said, "the faith and sincerity of our resolve to keep vital and active, even in the midst of our struggle for life, even under the fire of the enemy, those parliamentary institutions which have served us so well and which the wisdom and civic virtue of our forebears shaped and founded. \* \* \* If, in a supreme emergency, the Prime Minister can say that, we, in our relatively protected situation, do little credit to ourselves if we permit the surrender of the prerogatives of our supreme legislative body."

Grant that there are imperfections in the Walter-Logan bill. But remember that there was no such real or pretended strain for perfectionism when Congress was engaged in regulating business agencies. Bills were passed in fewer days than the Walter-Logan bill has taken in months. Business was told that some inequities were inevitable in general legislation. Now the shoe is on the other foot. The regulators are to be regulated, and apparently they can't take the medicine they so gaily dished up for others.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the *RECORD* and include therein certain quotations from the writings of Raymond Moley.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. Those of us who oppose this measure have had little or no opportunity to speak on it. I believe this is the most dangerous concentration of power in the hands of the judiciary that has been proposed in this House since I have been a Member. I shall oppose the adoption of these amendments and, if the bill is passed, and vetoed, I shall take pleasure in voting to sustain the President's veto. [Applause.]

Mr. DINGELL. Mr. Speaker, silence is impossible for me as I contemplate the far-reaching effect of this Logan-Walter bill. It is obviously intended to place all the power of government in the hands of the judiciary and to neutralize, if not to nullify, the progressive acts of this administration. In time to come we may well dispense with the inanimate executive and administrative branches of the Government and do likewise with the legislative. The creation of a judicial autocracy will eventually destroy our free Government and our institutions. It is unfair and unwise to satisfy this lust for power on the part of the courts which already have extended their powers beyond what the Constitution permits. It is wrong to adduce to the courts all the wisdom, honesty, and infallibility and to label this branch of government the paragon of perfection. I would rather take my chances with a properly balanced administrative board or agency dealing with a special and highly technical problem than to have some judge who is bigoted, partisan, ignorant, or subject to influence pass upon a matter which affects my business or profession. The courts are not infallible, they are not perfect, and they must not become the one and only all-powerful branch of government, for if they do, and we are headed that way, then I fear the final outcome.

An administrative agency after long and tedious study of fact and the law decides a case and for trivial reasons the problem is then taken to the courts. An autocratic or labor-hating judge can, and often will, without much deliberation and without compunction destroy the work of a duly constituted agency or board of the Government. There are sufficient safeguards now in the laws; there ought not to be any further tampering at this time, and by a "lame duck" Congress bent on venting its spleen upon the administration which has received the historic and precedent-establishing imprimatur of a third term at the hands of a grateful people. As for me I shall have to vote "No," because I demand for myself additional time for study. Should the report be approved, I trust the President will veto the bill.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the *RECORD*, giving my views on the pending measure.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. The Walter-Logan bill has been pending before the Congress for many months. Extended committee hearings were held in the House. All those interested in the enactment of this legislation on either side, and who so desired, were fully heard. The bill passed the House months ago by a vote of 282 to 97. Practically every leading newspaper in the country has commented editorially on the contents of this bill. It has been spectacularized in the news columns and on the radio. It is, therefore, far fetched indeed for the gentleman from Missouri [Mr. COCHRAN] to even suggest that the Members of the House are not familiar with the terms of the bill. I am sure that he would not intentionally reflect on either their diligence or their intelligence.

Business organizations, commercial organizations, civic organizations, labor organizations, women's clubs, and all the rest have given study to the need for this legislation, and many of these organizations have sent memorials to the Congress urging enactment. They at least are familiar with the bill. The gentleman from Missouri deprecates these

memorials, and in his speech last Thursday he charged the Congress with being influenced by letters and opinions of their constituents and from those engaged in business and industry in our respective districts. Well, for my part, I am always glad to have the views of my constituents on any proposed legislation. I do not always agree with all of these constituents, yet, if my constituents are enough interested in legislation to inquire about it, get copies of the proposals, study the terms, and then express opinions as to the merits or demerits of the bill, I for one do give consideration to their views. I do not condemn them for speaking their minds.

The gentleman from Pennsylvania [Mr. WALTER], co-author of the bill, and who as chairman of the subcommittee conducted the hearings on the bill, has explained intelligently and accurately the only material amendments added to the bill in the Senate. That explanation has not been challenged and cannot be successfully challenged.

Those who are opposed to administrative absolutism in its most virulent form feel that the Walter-Logan bill should become a law. They are opposed to law by bureaucratic fiat and without appeal. Of course, this is not a perfect bill. Of course, there are theoretical possibilities that might question the efficacy of some of its provisions. Yet no legislation is perfect. As long as men are human it necessarily follows that the laws they enact are fallible. The general purpose of this bill will be most wholesome, and a fair administration of the law and a judicial consideration of the rights of those affected by the law will do much to better present conditions.

As I suggested on this floor last Thursday, this is not a political measure. It will pass this House by a substantial vote of both Republicans and Democrats. It will then go to the President, where, we are advised through the press, a veto awaits it. If this is true, then the bill will not become a law at this session of Congress. Regardless of that eventuality, the very fact that the Congress has so definitely indicated its opposition to a bureau or board acting as prosecutor, jury, and final judge is bound to serve notice on these bureaucrats as to what is going to happen if they continue some of their autocratic conduct. The Congress has the power to wield the big stick in the interests of the people if it has the courage. After all, what is wrong with having the court pass upon the legality of a decision by a commission, a board, or a bureau? Are these agencies above the courts? When the Congress makes a law, which is tantamount to a regulation or ruling of one of these creatures of Congress, then the courts are always open to the appeal of any citizen who feels himself discriminated against by the law. Are these boards, bureaus, and commissions of higher power and authority than the Congress? Certainly not. To hold otherwise is to abandon our form of government.

The explanation of this bill made by the distinguished chairman of the Judiciary Committee, the gentleman from Texas [Mr. SUMNERS], is pregnant with common sense and the philosophy of our form of democracy. It is difficult to understand how one can read this bill, consider these amendments, listen to the explanation of the gentleman from Pennsylvania [Mr. WALTER], and consider the remarks of the chairman of the committee and then vote against the amendment.

If these amendments should be rejected on the roll call that is soon to follow, that will mean that the bill, as amended, will still be on the Speaker's table. It will remain there unless sent to conference or referred back to the Judiciary Committee. Either course means the death of this legislation for this session of Congress without the bill ever reaching the President. It is apparent that there is a quorum present. Are you going to reverse the position you took when this bill passed the House, or are you going to again assert your independence? In the final analysis the safety of the Republic resides right here in the legislative branch of the Government. Why should not the courts be permitted to function as contemplated by the Constitution?

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to extend their own remarks in the RECORD on the pending measure.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, it appears to me that the approval of this conference report is just what is needed at this time to put a rein on the unbridled bureaucracy that is overwhelming us with arbitrary agencies which assume and exercise all the functions of prosecutor, judge, and jury. Our democratic-republican form of government has no room for agencies which exercise such arbitrary power and the way to curb their unwarranted power is to subject their arbitrary decrees and decisions to an impartial court which is just what one of these Senate amendments provide. This will give both employee and employer an impartial tribunal where justice may be rendered to all. That is the supreme object of a free government.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Missouri.

Mr. COCHRAN. Is it not possible that the gentleman can yield to some members of the committee who understand these Senate amendments to let them explain to the House just what is in these amendments, so that the Members can vote on them intelligently? Nobody seems to be explaining the amendments. Everyone is extending his remarks in the RECORD.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WALTER. The only amendments the Senate made to the bill, as I stated before, were as to form, and all those that went to the substance of the bill were explained.

Mr. COCHRAN. I do not understand the word "clarifying," after reading these amendments, in the same manner as the gentleman from Pennsylvania.

Mr. WALTER. Maybe the gentleman does not understand the amendments.

Mr. COCHRAN. Probably I do not; but I understand them about as well as the gentleman from Pennsylvania.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 134, noes 33.

Mr. COCHRAN and Mr. FITZPATRICK objected to the vote on the ground that a quorum was not present.

The SPEAKER. In the opinion of the Chair, a quorum is not present. The Clerk will call the roll.

The question was taken; and there were—yeas 176, nays 51, not voting 203, as follows:

[Roll No. 236]  
YEAS—176

Alexander	Carter	Doxey	Gwynne
Allen, Ill.	Chapman	Drewry	Hall, Edwin A.
Andersen, H. Carl	Church	Elliott	Hall, Leonard W.
Anderson, Calif.	Clevenger	Elston	Hancock
Anderson, Mo.	Coffee, Nebr.	Engel	Hare
Andresen, A. H.	Cole, N. Y.	Englebright	Harness
Angell	Colmer	Faddis	Harter, N. Y.
Austin	Cooley	Fenton	Hartley
Ball	Cooper	Fish	Hawks
Barden, N. C.	Corbett	Ford, Leland M.	Hess
Bates, Mass.	Courtney	Ford, Miss.	Hinshaw
Beckworth	Cox	Gamble	Hobbs
Bender	Cravens	Gartner	Hoffman
Blackney	Crawford	Gearhart	Holmes
Bolles	Crowther	Gehrmann	Hope
Bradley, Mich.	Curtis	Gerlach	Horton
Brown, Ga.	Darden, Va.	Gillie	Jacobsen
Bryson	Davis	Goodwin	Jarman
Buck	Dies	Gore	Jarrett
Burch	Disney	Gossett	Jensen
Burdick	Dondero	Graham	Johns
Camp	Doughton	Grant, Ala.	Johnson, Ill.
Carlson	Douglas	Guyer, Kans.	Johnson, Okla.



Jones	Michener	Rogers, Mass.	Tarver
Jonkman	Mills, La.	Rutherford	Tibbott
Kean	Monkiewicz	Sandager	Tolan
Kefauver	Moser	Satterfield	Treadway
Kilday	Mundt	Schiffner	Van Zandt
Kinzer	Murray	Secrest	Vorys, Ohio
Kitchens	O'Brien	Shafer, Mich.	Vreeland
Knutson	Osmer	Sheppard	Wadsworth
Lambertson	Patton	Short	Walter
Landis	Pittenger	Simpson	Ward
Lanham	Plumley	Smith, Maine	Wheat
Lewis, Colo.	Polk	Smith, Va.	Whelchel
Lewis, Ohio	Powers	Smith, W. Va.	White, Ohio
Luce	Randolph	Sparkman	Williams, Del.
McGregor	Rees, Kans.	Springer	Winter
McLean	Rich	Stearns, N. H.	Wolcott
McLeod	Risk	Sumners, Tex.	Wolfenden, Pa.
McMillan, John L.	Robertson	Sutphin	Wolverton, N. J.
Mahon	Robison, Ky.	Sweet	Woodruff, Mich.
Martin, Iowa	Rockefeller	Taber	Woodrum, Va.
May	Rodgers, Pa.	Talle	Youngdahl

## NAYS—51

Bradley, Pa.	Dunn	Izac	Pierce
Burney	Eberhart	Johnson, Lyndon	Rankin
Claypool	Edelstein	Keogh	Sacks
Cochran	Fitzpatrick	Lynch	Sasser
Connery	Flannagan	McGranery	Schwert
Costello	Ford, Thomas F.	Mitchell	Sheridan
Crosser	Fulmer	Myers	Smith, Wash.
Crowe	Hart	Norton	Snyder
Cullen	Havener	O'Connor	Somers, N. Y.
D'Alessandro	Hennings	O'Toole	Voorhis, Calif.
Delaney	Hill	Parsons	Weaver
Dickstein	Hook	Patrick	Wood
Dingell	Hunter	Pfeifer	

## NOT VOTING—203

Allen, La.	Duncan	Kocialkowski	Ramspeck
Allen, Pa.	Durham	Kramer	Reece, Tenn.
Andrews	Dworshak	Kunkel	Reed, Ill.
Arends	Eaton	Larrabee	Reed, N. Y.
Arnold	Edmiston	Lea	Richards
Barnes	Ellis	Leavy	Robinson, Utah
Barry	Evans	LeCompte	Rogers, Okla.
Barton, N. Y.	Fay	Lemke	Romjue
Bates, Ky.	Ferguson	Lesinski	Routzohn
Beam	Fernandez	Ludlow	Ryan
Bell	Flaherty	McAndrews	Sabath
Bland	Flannery	McArdle	Schaefer, Ill.
Bloom	Folger	McCormack	Schaefer, Wis.
Boehne	Fries	McDowell	Schuetz
Boland	Garrett	McGehee	Schultz
Bolton	Gathings	McKeough	Scrugham
Bonner	Gavagan	McLaughlin	Seccombe
Boren	Geyer, Calif.	McMillan, Clara	Shanley
Boykin	Gibbs	Maas	Shannon
Brewster	Gifford	Maciejewski	Smith, Conn.
Brooks	Gilchrist	Magnuson	Smith, Ill.
Brown, Ohio	Grant, Ind.	Maloney	Smith, Ohio
Buckler, Minn.	Green	Mansfield	South
Buckley, N. Y.	Gregory	Marcantonio	Spence
Bulwinkle	Griffith	Marshall	Starnes, Ala.
Burgin	Gross	Martin, Ill.	Steagall
Byrne, N. Y.	Halleck	Martin, Mass.	Stefan
Byrns, Tenn.	Harrington	Mason	Sullivan
Byron	Harter, Ohio	Massingale	Sumner, Ill.
Caldwell	Healey	Merritt	Sweeney
Cannon, Fla.	Hendricks	Miller	Taylor
Cannon, Mo.	Houston	Mills, Ark.	Tenerowicz
Cartwright	Hull	Monroney	Terry
Case, S. Dak.	Jeffries	Mott	Thill
Casey, Mass.	Jenkins, Ohio	Mouton	Thomas, N. J.
Celler	Jenks, N. H.	Murdock, Ariz.	Thomas, Tex.
Chiperfield	Jennings	Murdock, Utah	Thomason
Clark	Johnson, Ind.	Nelson	Thorkelson
Clason	Johnson, Luther A.	Nichols	Tinkham
Cluett	Johnson, W. Va.	Norrell	Vincent, Ky.
Coffee, Wash.	Kee	O'Day	Vinson, Ga.
Cole, Md.	Keefe	O'Leary	Wallgren
Collins	Keller	Oliver	Weatherford
Creal	Kelly	O'Neal	Weich
Culkin	Kennedy, Martin	Pace	West
Cummings	Kennedy, Md.	Patman	White, Idaho
Darrow	Kennedy, Michael	Pearson	Whittington
Dempsey	Kerr	Peterson, Fla.	Wigglesworth
DeRouen	Kilburn	Peterson, Ga.	Williams, Mo.
Dirksen	Kirwan	Poage	Zimmerman
Ditter	Kleberg	Rabaut	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts (for) with Mr. Boland (against).  
 Mr. Barton of New York (for) with Mr. Martin J. Kennedy (against).  
 Mr. Kleberg (for) with Mr. Patman (against).  
 Mr. Mott (for) with Mr. Magnuson (against).  
 Mr. Ludlow (for) with Mr. McAndrews (against).  
 Mr. Eaton (for) with Mr. Gavagan (against).  
 Mr. Hendricks (for) with Mr. Maciejewski (against).  
 Mr. Jenkins of Ohio (for) with Mr. Johnson of West Virginia (against).  
 Mr. Whittington (for) with Mr. Tenerowicz (against).

Mr. Reece of Tennessee (for) with Mr. Edmiston (against).  
 Mr. McLaughlin (for) with Mr. Healey (against).  
 Mr. Peterson of Florida (for) with Mr. Geyer of California (against).  
 Mr. Pearson (for) with Mr. Byrne of New York (against).  
 Mr. Reed of New York (for) with Mr. Bloom (against).  
 Mr. Tinkham (for) with Mr. Welch (against).  
 Mr. Ditter (for) with Mr. Bonner (against).  
 Mr. Maas (for) with Mr. Celler (against).  
 Mr. Hull (for) with Mr. Michael J. Kennedy (against).  
 Mr. Caldwell (for) with Mr. McKeough (against).  
 Mr. Case of South Dakota (for) with Mr. Ramspeck (against).  
 Mr. Cole of Maryland (for) with Mr. Sabath (against).  
 Mr. Keefe (for) with Mr. Shanley (against).  
 Mr. McGehee (for) with Mr. Fay (against).  
 Mr. Chiperfield (for) with Mr. Bulwinkle (against).  
 Mr. Stefan (for) with Mr. Beam (against).  
 Mr. Dirksen (for) with Mr. Cannon of Missouri (against).  
 Mr. Kilburn (for) with Mr. Williams of Missouri (against).  
 Mr. Halleck (for) with Mr. Flannery (against).  
 Mr. Kunkel (for) with Mr. Folger (against).  
 Mr. Andrews (for) with Mr. Keller (against).  
 Mr. Thomas of New Jersey (for) with Mr. Fries (against).  
 Miss Sumner of Illinois (for) with Mr. Kirwan (against).  
 Mr. Wigglesworth (for) with Mr. Lesinski (against).  
 Mr. Reed of Illinois (for) with Mr. O'Leary (against).  
 Mr. Gilchrist (for) with Mr. Nichols (against).  
 Mr. Brown of Ohio (for) with Mr. Poage (against).  
 Mr. Culkin (for) with Mr. Steagall (against).  
 Mr. LeCompte (for) with Mr. Thomas of Texas (against).  
 Mr. Jennings (for) with Mr. Leavy (against).  
 Mrs. Bolton (for) with Mr. Coffee of Washington (against).  
 Mr. Thill (for) with Mr. Cummings (against).  
 Mr. Mason (for) with Mr. Ellis (against).  
 Mr. McDowell (for) with Mr. Ferguson (against).  
 Mr. Byrns of Tennessee (for) with Mr. Flaherty (against).  
 Mr. Gifford (for) with Mr. Larrabee (against).  
 Mr. Johnson of Indiana (for) with Mr. Rogers of Oklahoma (against).  
 Mr. Grant of Indiana (for) with Mr. Romjue (against).  
 Mr. Arends (for) with Mr. Shannon (against).  
 Mr. Cluett (for) with Mr. Ryan (against).  
 Mr. Routzohn (for) with Mr. Smith of Connecticut (against).  
 Mr. Allen of Pennsylvania (for) with Mr. Spence (against).  
 Mr. Smith of Ohio (for) with Mr. Vincent of Kentucky (against).  
 Mr. Brewster (for) with Mr. Wallgren (against).

## Until further notice:

Mr. Luther A. Johnson with Mr. Jenks of New Hampshire.  
 Mr. O'Neal with Mr. Lemke.  
 Mr. McCormack with Mr. Miller.  
 Mr. Boykin with Mr. Oliver.  
 Mr. Mansfield with Mr. Seccombe.  
 Mr. Bland with Mr. Marshall.  
 Mrs. O'Day with Mr. Darrow.  
 Mr. Pace with Mr. Gross.  
 Mr. Cartwright with Mr. Dworshak.  
 Mr. Richards with Mr. Jeffries.  
 Mr. Bell with Mr. Schaefer of Wisconsin.  
 Mr. Creal with Mr. Thorkelson.  
 Mr. Duncan with Mr. Marcantonio.  
 Mr. Rabaut with Mr. South.  
 Mr. Mills of Arkansas with Mr. Garrett.  
 Mr. Brooks with Mr. Durham.  
 Mr. Schulte with Mr. West.  
 Mr. Harrington with Mr. Sweeney.  
 Mr. Taylor with Mr. Buckley of New York.  
 Mr. Gathings with Mr. Zimmerman.  
 Mr. Kerr with Mr. Lea.  
 Mr. White of Idaho with Mr. Vinson of Georgia.  
 Mr. Fernandez with Mr. Kramer.  
 Mr. Peterson of Georgia with Mr. Collins.  
 Mr. Barnes with Mr. McArdle.  
 Mr. Robinson of Utah with Mr. Dempsey.  
 Mr. Smith of Illinois with Mr. Green.  
 Mr. Kee with Mr. Houston.  
 Mr. Nelson with Mr. Monroney.  
 Mr. Boehne with Mr. Arnold.  
 Mr. Maloney with Mr. Barry.  
 Mr. Allen of Louisiana with Mr. Massingale.  
 Mr. Bates of Kentucky with Mr. Schaefer of Illinois.  
 Mr. Clark with Mr. Schuetz.  
 Mr. Starnes of Alabama with Mr. Gregory.  
 Mr. Griffith with Mr. Harter of Ohio.  
 Mr. Scrugham with Mr. Casey of Massachusetts.  
 Mr. Kocialkowski with Mr. Boren.  
 Mr. Merritt with Mr. Burgin.  
 Mr. Norrell with Mr. Cannon of Florida.  
 Mr. Byron with Mr. Mouton.  
 Mr. Evans with Mr. Kelley.  
 Mr. Thomason with Mr. Murdock of Utah.  
 Mr. Sullivan with Mr. Kennedy of Maryland.  
 Mr. Martin of Illinois with Mrs. Clara G. McMillan.  
 Mr. Murdock of Arizona with Mrs. Gibbs.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DREWRY. Mr. Speaker, I desire to announce the absence of my colleague the gentleman from Virginia [Mr. BLAND] due to illness, in a hospital at Richmond.

Mr. ROBSON of Kentucky. Mr. Speaker, I wish to announce that the gentleman from Tennessee [Mr. JENNINGS]

is necessarily absent. If he were present, he would vote "yea" on this motion.

Mr. GRANT of Alabama. Mr. Speaker, I wish to announce that my colleague the gentleman from Alabama [Mr. BOYKIN] is at home on account of the death of his brother. If present, he would vote "yea."

#### EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD concerning veterans' statistics.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### HJALMAR M. SEBY

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3729) for the relief of Hjalmar M. Seby.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is the gentleman from New York [Mr. HANCOCK] familiar with this bill?

Mr. HANCOCK. The bill has just been called to my attention. I find it is disapproved by the Comptroller General and by the officers of the W. P. A., and I object.

Mr. PITTENGER. Will the gentleman withhold his objection a moment?

Mr. HANCOCK. There is a report of about 72 pages, and I have not had time to read it. I have read the first 2 pages and I find it is objected to by the officials concerned, and therefore I object, Mr. Speaker.

Mr. GARRETT. Mr. Speaker, I wonder if the gentleman will withhold his objection and give me an opportunity to explain the bill. It is certainly most meritorious and should be immediately passed by the House.

The SPEAKER. Let the Chair make a statement. The Chair never agrees to recognize any Member with respect to any measure unless they tell him they have consulted with the so-called objectors.

Objection is heard to the consideration of this bill, and the Chair recognizes the gentleman from Massachusetts.

#### BRIDGE ACROSS MISSISSIPPI RIVER BETWEEN ST. LOUIS AND EAST ST. LOUIS

Mr. HOLMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9633) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MICHENER. Mr. Speaker, reserving the right to object—

Mr. HOLMES. Mr. Speaker, this comes with the approval of the entire Committee on Interstate and Foreign Commerce. This act originally passed in 1934. There has been some difficulty during these many years to secure the financial structure with which to build this bridge. This bill has been amended in such a way that in a period of years it is going to be a free bridge. That was not in the original bill.

Mr. MICHENER. The bill has the unanimous approval of the entire committee?

Mr. HOLMES. It has the unanimous approval of the entire committee, and, as far as I know, every Member of the House.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River, at or

near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., authorized to be built by the city of East St. Louis, Ill., by an act of Congress approved May 3, 1934, and heretofore extended by acts of Congress approved August 5, 1935, May 1, 1936, June 2, 1937, June 29, 1938, and July 25, 1939, are hereby further extended 1 and 3 years, respectively, from May 3, 1939.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, after line 5, insert:

"Sec. 2. That portion of the second sentence in section 4 of the act approved May 3, 1934 (48 Stat. 661), which reads 'or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management,' is hereby repealed; the amended sentence will then read, 'After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls.'"

Page 2, line 16, change the figure "2" to the figure "3."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes."

A motion to reconsider was laid on the table.

#### ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I object.

#### RESIGNATION FROM COMMITTEES

The Speaker laid before the House the following resignation:

DECEMBER 2, 1940.

Hon. SAM RAYBURN,

*Speaker of the House of Representatives.*

MY DEAR MR. SPEAKER: I herewith tender my resignation effective immediately, as a member of the following-named committees:

Claims; Elections No. 1; Public Buildings and Grounds; the District of Columbia; Coinage, Weights, and Measures.

With assurance of my continued regard, I am,

Sincerely yours,

HERMAN P. EBERHARTER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KLEBERG, indefinitely, on account of attending the inauguration of the President-elect of Mexico.

To Mrs. BOLTON (at the request of Mr. ENGLEBRIGHT), indefinitely, on account of illness.

To Mr. PEARSON (at the request of Mr. COOPER), for 10 days, on account of illness in his family.

To Mr. RABAUT, Mr. CARTER, and Mr. STEFAN (at the request of Mr. TAYLOR), on account of official business;

To Mr. SHEPPARD, for 20 days, on account of important business.

To Mr. LeCOMPTE (at the request of Mr. MARTIN of Iowa), for 10 days, on account of illness.

To Mr. DITTER (at the request of Mr. ENGLEBRIGHT), on account of official business.

To Mr. MERRITT, indefinitely, on account of important official business.

To Mr. ROBINSON of Utah and Mr. MURDOCK of Arizona (at the request of Mr. HILL), for 2 weeks, on account of official tour of inspection of national parks as members of the Public Lands Subcommittee.

To Mr. SMITH of Connecticut, indefinitely, on account of official business.

To Mr. MAX, on account of sickness in family.



## EXTENSION OF REMARKS

Mr. BATES of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and insert therein an article by Nicholas Cefalo, chairman of the legislative committee, World War Veterans of the United States Merchant Marine.

The SPEAKER. Is there objection?

There was no objection.

## MINE INSPECTION

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, we now know that the 31 miners entombed in the coal operation near Cadiz, Ohio, have perished. The reason I mention this today is that there is pending on the Speaker's desk petition No. 35, which would bring to this floor the so-called Federal mine-inspection bill, looking toward the health and safety of miners in this country.

This bill, sponsored by Senator NEELY, of West Virginia, has passed the Senate of the United States by unanimous vote. During the time it has been pending on Capitol Hill more than 1,600 miners have perished while engaged in the operation of mines in the United States. This House should have an opportunity during this session to discuss on this floor the merits of this measure. I trust that some of those who have been giving serious thought to placing their names on that petition, in order that the bill could come before us, will now give it further consideration, and do just that. [Applause.] [Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks and include a copy of certain correspondence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I want to add a little to what the gentleman from West Virginia [Mr. RANDOLPH] has just said.

About 3 months ago I called the attention of this House to a similar accident in which 34 lives of miners were snuffed out in an explosion. It is very likely that if we had had in effect a Federal mine-inspection bill, for which there is a discharge petition on the Speaker's desk, those lives could have been saved and we would not now have the widows and children of those miners to take care of.

The bill should not have any objection from the industry and certainly it has the complete support of every workingman in the mines and those who are familiar with the problems which they have. I do hope that this House will seriously take into consideration this bill and pass it and in the future save the lives of these miners whose lives are lost because the mine owners do not have proper inspection. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Mr. Speaker, the Walter-Logan bill passed the Senate and the Senate amendments have been agreed to by the House this morning. The bill now goes directly to the White House.

The SPEAKER. As soon as it is enrolled.

Mr. MICHENER. Yes; as soon as it is enrolled. Am I correct in assuming that the President is going on a vacation in the Caribbean, and that we shall not have the bill back here for vote on veto, before the 16th day of December when he returns, at the earliest?

The SPEAKER. If the present occupant of the Chair finds out what day the President will act on this bill he will certainly notify the gentleman from Michigan and all other Members.

Mr. MICHENER. On behalf of those on this side of the aisle, I thank the Speaker.

The SPEAKER. Under the previous order of the House, the gentleman from California [Mr. VOORHIS], is recognized for 10 minutes.

## THE COOPERATIVE MOVEMENT—AMERICA'S SOCIAL CEMENT

Mr. VOORHIS of California. Mr. Speaker, we are seeking as Americans to unify our Nation and make it strong. We are seeking a unity of spirit and a common economic bond for all of us. We are seeking to reach down into the wells of human desire and find there forces that can be channeled into a stream of common effort.

But we are hopeful that we can accomplish all these things without any increased reliance on Government. We want less, not more dependence of our people upon the public purse. Above all, we hope to see an increase of responsibility and initiative in the solution of problems and the development of constructive forces among the people of the thousands of American communities.

All these things I am convinced are possible. As I have studied and listened to the stories of the quiet, steady, substantial growth of cooperative associations among the consumers and the farmers of America, I have become more and more convinced that here is the thing that can, to a very great extent, answer the need we find in our country today. For the interest of the people as consumers is a universal interest—the one universal and therefore unifying economic interest in all modern life. As producers, each of us, each group of us, has a particular interest which frequently comes in conflict with the interests of other producer groups. But the interest of the consumer is the interest of the whole Nation; there is no difficulty whatsoever in including in a consumer group all sorts and conditions of citizens, whether they be rich or poor, employers or employees, farmers or factory workers.

Moreover, here is a method requiring no action by Government, no regulation, no law, no penalty, no subsidy, no bounty whereby the central economic problems of this machine age can be attacked and overcome. By means of the cooperatives, even great monopolies can be compelled to behave and serve the public interest for a fair, rather than an exorbitant, return.

This year, organized consumers in Ohio taught the fertilizer trust another lesson. The Farm Bureau Cooperative Association of Ohio invested about \$250,000 in three fertilizer compounding plants. Immediately, the trust cut the price of fertilizer by \$4 a ton. That price cut applied only to Ohio. It was made, obviously, to crush the consumer cooperative. But the consumers met the competition, unfair as it was. The net result was the farmers in Ohio saved this year \$700,000 in fertilizer cost and on an investment by the cooperative of only \$250,000 in permanent plants. And the benefits of this action went to every farmer in Ohio whether or not they were members of that cooperative. But it was the co-op members who did the job.

The central problem of achieving a balance between the power to produce and the power to consume can, at the very least, be advanced a long way toward solution by increasing the buying power, yes, and bargaining power, of the rank and file of the consumers of the Nation. The problem of parity for agriculture—a problem as central to our national health as any problem in the whole broad land—not only can but to a degree has been solved by means of cooperative action of consumers—in this instance, again farmers—in Ohio. Listen to this testimony from Mr. Murray D. Lincoln, manager of the Ohio Farm Bureau Cooperatives and vice president of the Cooperative League of the United States, given before the Senate Committee on the District of Columbia, on April 16, 1940.

I hope all of us who are struggling and have been struggling to solve our farm problem will pay particular attention to this quotation from Mr. Lincoln, because he tells how the consumer cooperatives in Ohio have begun to solve the farm problem. We have been seeking parity prices for the farmer for years, spending billions of dollars to get parity, and we have not got parity. But in Ohio, in those commodities,

where the cooperatives have developed, they have parity and better for the farmer consumers. And it has not cost the government a cent to do the job. And, more than that, it has been done through the consumers themselves, and thus certainly it has contributed greatly to the building of character among those people. I want you to listen to Mr. Lincoln, because, as he says, here may be the way out we have long been seeking.

Now—

He testifies—

I have been the secretary of the Ohio Farm Bureau since 1920, and we have gone through the McNary-Haugen bill, and all the other things that you folks in the Senate have tried to do for agriculture, and we now recognize—not criticizing what has been done all the way up to the present—but we recognize we have been trying to get parity, and we haven't got it. The figures of the Bureau of Agriculture Economics seem to indicate that we have spent better than eight billion and a half dollars since the passage of the Farm Board bill trying to get parity, and we have not gotten it.

Meanwhile, the farmers, thinking of this entirely incidentally, have gone to work to organize their purchasing around what we call the user approach. I interpolate that is the consumer approach. And I would like to show you \* \* \* how the farmers, through their own user organizations, have gotten better than parity.

In other words, where we organized to buy our own fertilizer this year and produced it—as we are doing in cooperation with the G. L. F. of New York (another farm-cooperative organization), the Indiana Farm Bureau, and the Michigan Farm Bureau, and others—farmers today are going to buy their fertilizer in Ohio at an index figure of 80, or, if they buy double strength, at an index of 64.

I stop here in reading Mr. Lincoln's quotation to remind you that is from 20 percent to 36 percent better than parity. Now I continue with the quotation:

We are now buying automobile insurance at 54 percent of parity. Our gasoline, because we have gone into the gasoline business, we are buying at 62 percent.

There is the story of how they are getting parity in Ohio. In fertilizer they are from 20 to 36 percent better off than parity; in automobile insurance they are 46 percent better than parity; in gasoline they are 38 percent better than parity. And in Ohio, as well as elsewhere, they are developing other buying and producing fields, as I shall later show.

The workers in the factories of this country, the men and women who labor to produce our wealth, are entitled to the hope that in some good day and in some good way they will become the owners of their factories and the masters of their own destiny.

I hope these workers will read carefully the story told by Mr. Howard C. Cowden, president of the Consumers Cooperative Association of Kansas City, in a speech delivered at the silver anniversary celebration of the Cooperative League of the United States, the organization which is the voice of the consumers' cooperative movement in this country. It is an inspiring story that Mr. Cowden tells—the story of how factories may be free to the workers who desire to own them. I wish that every worker in this country would read this statement and then write to the Cooperative League of the United States for further information. The league has its headquarters at 608 South Dearborn Street, Chicago, Ill. Incidentally, I wish they would get from the league and study a little pamphlet, *Organized Labor and Consumer Cooperation*, written by James Myers.

It is fortunate, indeed, for this great country of ours—fortunate for you and me—that our workers may still aspire to ownership; that they have not lost faith that in this country and under our democratic processes of government they may become the masters of their own destiny. If that hope should perish from the hearts of the men and women who toil at the lathe, the bench, or the spindle, we might well fear that our democracy was doomed. We must all recognize that a democracy is a spiritual entity. It must live and grow in that deep desire which is in the breast of every man—that desire for the greatest measure of freedom for himself and likewise for his fellow man; and in this world of material things, of necessary food and drink and shelter and clothing, we must admit that freedom for the man who toils must be intimately associated with ownership of the means of life.

This is no wild, no radical concept. We may recall that one of the greatest forces in the world for law and order, the

Catholic Church, spoke out several years ago for methods which would encourage and help the workers to share in the ownership of the factories in which they worked.

Recently, while I was passing through Chicago, I stopped off for a few minutes at the hall where the Cooperative League of the United States was having its silver anniversary celebration. I wish that I had had more time to participate in that convention and I wish that all of you could have viewed the exhibits there. I doubt there are many of us who realize how rapidly the consumer cooperatives have grown—how they now own their oil refineries, their oil wells, their pipe lines, their fleets of trucks, their fertilizer factories, paint factories, grease-compounding plants, coffee-roasting plants, their casualty and life insurance companies, and, now, two small banks.

And in this connection I think you should know of the inspiring story of how the Consumers Cooperative Association of Kansas City financed in part its great modern refinery at Phillipsburg, Kans. The stock certificates stipulated that the maximum dividend that ever could be paid on the stock would be 4 percent. The association had no trouble in selling enough stock to make their refinery possible. Now, it might seem impossible to those who think in terms of high finance, stock-market gambling, to sell stock in a refinery when the stock could never pay more than 4 percent, but it was done. It was done by this consumer cooperative organization—and they could do it again.

The most recent encouraging development in this cooperative movement is that the cooperatives have found the consumer approach to our economic problems and they have turned their great energies in that direction. I think most of us think in terms of farm cooperatives when we refer to the cooperative movement because it was the farm cooperatives which made the first real strides in cooperative organization in the years after the farm crash of 1920. They were altogether properly encouraged as a method of helping the farmer. Unfortunately, we did not broaden the concept at that time and encourage them as an instrument of the entire public interest, not alone for the farmer but also as a means of help to the man in the city. Most of the cooperatives among farmers were and are today marketing or producer cooperatives. They have done a splendid service—those marketing cooperatives—and they form one of the principal bases for solution of our agricultural problem. But I think there is a warning sign for them in facts and in economic philosophy.

The marketing cooperatives, fine as they were and are, inspired as they have been to do a great service, cannot be wholly free or effective so long as they are dependent on a market which is controlled by the buyers of farm commodities. And if the market is controlled by any monopoly, the marketing cooperatives have to deal with that monopoly. I call your attention now to a recent proposal from a great distributing organization to set up a gigantic buying pool. This proposal has not developed sufficiently to give us a clear indication of what it might lead to, but I refer to it now to indicate how the marketing cooperatives may be forced to fit their pattern to the monopoly cloth.

But the marketing cooperatives have the road to freedom open to them. Their salvation is in the development of the consumer cooperatives. The consumer cooperatives, organized in accordance with the Rochdale principles, where men and not money control the business, are free economic agencies, and they must continue that way. And if they do, and if they grow, they can offer a fair market outlet for a great proportion of what the farmers' producer cooperatives have to sell.

I am glad to learn that the marketing cooperatives throughout the country are beginning to turn their energy into the development of the consumer base for the whole movement.

The cooperatives must grow, must expand. That is a sound principle in cooperative philosophy. They must not be bound to or associated with any class movement. They must not be imprisoned within any group. If we try to build fences around the cooperative movement, or cooperatives, if we try to fetter or bind or to confine them to farmers or to city workers, then we try to fetter and imprison the one great element in



the cooperative movement which makes certain that cooperatives can be successful. We try to fetter and bind and imprison that spiritual impulse which is necessary to the cooperative movement. We try to fetter and imprison a soul. In effect, we try to make the cooperatives a class movement, a selfish thing; and, I repeat and emphasize, the cooperative movement cannot be selfish and live.

Therefore I am glad to have this opportunity to give Mr. Cowden's inspiring story to the readers of the CONGRESSIONAL RECORD. I hope that through this story, and other similar stories, the workers in the cities will be inspired to take the road to ownership and to freedom, inspired to be masters of their own destiny. Here is the opportunity for leadership. Likewise, I am hopeful that this story may be helpful in inspiring every leader in the cooperative movement to strike down and destroy utterly any proposal or condition which may fetter the growth of cooperatives, which may encourage them to become associated with selfish class interests. I am sure there are few, if any, such leaders, because the cooperative movement destroys the incentive to selfishness. But I want the cooperative leaders to justify their faith. They have been given a great gift, the opportunity to know and understand the inspiring truths of a great human movement. They have now a responsibility to spread the gospel and unite every phase of the cooperative movement in the one great cause, the common good, the consumers' welfare, and thus the welfare of all America.

Mr. Cowden's speech to the Congress of the Cooperative League of the United States was as follows:

Along in 1932, at the bottom of the depression, a farmer in the Rio Grande Valley of Texas, where they grow fruits and vegetables, wired his Congressman:

"If you don't do something to improve the exchange relationship between farm and industrial products, we're going to have a lot of fat and naked farmers running around down here."

This matter of exchange has been no joke to the farmer since the end of World War No. 1. When the price of wheat, for example, falls from \$1 a bushel to 50 cents, debts of the farmer in the Wheat Belt are doubled. When the price falls to 25 cents a bushel, the obligations are quadrupled. We have seen these very changes in the price level since the World War of 1914-18. But we have not seen corresponding swings in the price level of finished goods.

Relatively low prices for farm products and relatively high prices for finished products brought finally a complete collapse in both country and city. The evidences of that collapse still are to be seen all about us. Even after thousands of foreclosures, the farm-mortgage debt still remains close to seven and one-half billion dollars—a staggering total. The drift toward tenancy and the concentration of our land resources into fewer and still fewer hands has been greatly accelerated by depression. Thousands of farmers were forced off the land altogether, into the towns and villages and cities, there to compete in a labor market already glutted. Or they joined the ranks of migratory workers, to become the "Okies" pictured in *The Grapes of Wrath*, to become wanderers on our highways. You can see them today along the roads in every State. Government estimates have set the present tragic total at 500,000 homeless wanderers. And the thing that should be sobering to every person in a position of leadership is the further Federal estimate that 40,000 persons, who have not been on the road before, are joining the procession each year.

Every time a farmer slips down the ladder from landowner to tenant; every time a tenant is squeezed off the land to become a migratory worker; every time land ownership is given into fewer and fewer hands, our political democracy is undermined by that much. When economic freedom is having convulsions, political freedom cannot long remain unaffected. Certainly we cannot maintain free political institutions in the face of a rising feudalism.

How the prostrate condition of agriculture has affected industry and the city workers is told graphically in Thurman Arnold's new volume, *The Bottlenecks of Business*. I quote:

"In 1920 the American farmer got 50 cents of each dollar spent by the American consumer. He was spending that 50 cents to buy manufactured products. Today he gets only 30 cents of each consumer's dollar. He cannot buy the same proportion of manufactured goods. He has lost 40 percent of his proportionate purchasing power. That loss expressed in dollars is \$1,800,000,000 each year. The manufacturer did not get this money. It has simply disappeared. \* \* \* How is the farmer making up that loss? He is getting \$1,000,000,000 subsidy from the Government. But he is still \$800,000,000 short if we keep to these rough figures \* \* \*"

Under such conditions the factory must look in vain to the country for customers able to buy products in the quantity that would be good for them and good for industry. Hence the unemployment problem grows in the cities, and the farm problem grows at the same time, because urban unemployed are not good customers for farm products. Farm surpluses pile higher and city bread lines lengthen. It is a vicious circle in which both the farmer and the

urban wage worker find themselves. And let me say here that every time a city worker is thrown out of his job, every time he returns home after tramping the streets vainly in an effort to find work, democracy is weakened to that extent.

The small-scale businessman is being slowly but surely crushed out along with the people he has served, and every time one of them is forced to the wall—not through inefficiency but through the ruthless tactics of some monopoly—democracy is weakened to that extent. On the other hand, corporations having assets of a billion dollars or more each have increased from 6 in 1919 to 26 at the end of 1938. Reports of the Temporary National Economic Committee and the National Resources Committee ought to be required reading for cooperators. They present a startling picture of wealth concentration, of the growing power of monopoly over the lives of the people and their local, State, and Federal Governments.

The great disparity between prices received by farmers and prices paid by farmers over a 20-year period has transferred much of rural wealth from many hands to the hands of a relatively few men at the head of great financial and nonfinancial institutions in our large cities. Under such a system the collapse of agriculture was inevitable, and with it the break-down of our total economy. The drain, being always one way, eventually transferred the ownership of land from the agricultural areas to the financial centers. There has been a veritable revolution in agriculture in the 20 years or more since the first World War.

All these suggestions of the appalling problems we face—and I have mentioned only a few of them—are so elementary, so well known to most of you, that I repeat them here with some misgivings. I do so only to contrast the distance we yet have to go with the distance the consumer cooperation movement has traveled thus far in the United States. There may be a tendency on the part of many of us to grow satisfied with the progress the movement is making when we gather once every 2 years to survey results. There may be a feeling that we're doing a whale of a job, that we're becoming an important factor in our national economic life, that we are the real consumer movement in this country.

May we be saved from such smooth content. While the economic juggernaut is creating derelicts faster than they can be rehabilitated through social agencies; while we have millions of young people for whom there is no place in the economic scheme of things; while we have millions of old men and women living at or below a subsistence level after a lifetime of hard toil; while all these things and more exist, may we recall the words of the poet: "Lord, keep me still unsatisfied."

Actually, of course, we have only scratched the surface of our possibilities. Actually we have barely made a start, as a movement, in supplying consumption goods used in the home. Primarily, the movement remains one for purchasing farm supplies, when farmers spend more money for consumption goods used in the home than for consumption goods used in production.

We are just now getting into manufacturing in a few fields. In the insurance field, which has piled up billions of wealth in the money centers, to be controlled by a few men, we are just now making a belated start. In the vital building-supply field, controlled by a few giants, we are not even an important factor. We still have a long, long way to go in the distribution of food for human beings, a field in which several regional wholesales have not yet made a start. We are not manufacturing a single product as a national movement, and we ought to be.

We are yet a long way from being the closely integrated movement regionally and nationally that we eventually must be if we are to give this economy the "institutional balance" suggested in the report of the cooperative committee of the National Education Association. We have not yet reached the point in most regions where we can reverse the banking process, which piles up our spare change in the money centers. We have not developed fully "loan capital" plans like the one now in effect among Scottish cooperators—a plan which has given the wholesale at Glasgow more capital than it needs. Our savings, all too often, are financing our competitors.

We have not yet built the number of credit unions we need, or rather we have not yet shown consumers in many areas the value of pooling their excess funds, and increasing them through savings, to meet their small-loan needs. We have not yet built a coordinated educational program nationally that links up and supplements our educational efforts regionally.

We have made progress, to be sure, but we still have a long, long way to go, and "it's later than you think." Our task is to check the drain of wealth into the hands of those who already have more of this world's goods and more of power than is good for any set of men. Those whom the machine age has disinherited must acquire the ownership of stores, wholesales, factories, and the machinery that makes and distributes goods. This means that our problems must be attacked from the consumer end. This means there must be organization of consumers along every major front if ownership of the machinery that ministers to life, and all that such ownership implies, is to be restored to those who work. To save our political freedom and give it meaning we must implement it with the economic freedom implicit in the consumer cooperative program.

Turning now to the subject of this address, *Factories are Free for Cooperators*, I want to tell briefly how far along the road we of Consumers Cooperative Association have traveled since 1929. Now and then, on looking back over the depression years we have operated, it seems we have come a long way. We realize fully, of course, that we are just getting started.

When Consumers Cooperative Association began business as a petroleum wholesale in North Kansas City, Mo., in 1929, it began to

compound lubricating oils. It did so because it found it could not depend upon the quality of the oil supplied by an old-line oil company.

So C. C. A. put in its own oil compounding equipment. In only a few months the savings had paid for the plant. By merely charging themselves the same price they'd have paid anywhere else, Consumers soon had title to an oil-compounding plant of their own. What had been profit to the privately-owned oil company became savings for cooperators.

Savings made in the oil-compounding plant made it possible for Consumers Cooperative Association to buy its present home in North Kansas City—the office and warehouse built originally by an oil company that failed to survive the depression—an oil company which once declared the business of C. C. A. too small to bother with.

When C. C. A. moved into its new quarters in September 1935 there was equipment on hand for making one type of grease. Equipment for making other types was added and the first shipment made in December of that year. By the end of 1936 the savings had more than paid for the original and all the added equipment necessary to make all types of grease generally in use.

By charging themselves the same price for grease they would have paid anywhere else, cooperators made enormous savings. They not only had control of quality in their own hands, but they brought out new and improved greases for their own use. Consumers still are making important savings in the manufacture of grease, all because they own and control the process, and support it loyally with their patronage.

Early in 1936, C. C. A. began manufacturing paint in a small way. The savings paid for the paint plant in less than 6 months. A new paint mill was added in 1937. Other new equipment is being added now. It is producing two and a half times as much high-quality paint under the co-op label as it did 3 years ago—at a saving to member cooperatives.

Petroleum products, with their originally wide margins, allowed the wholesale to accumulate capital rather rapidly. Because of it, we literally lubricated our way into other commodities, such as groceries, building supplies, electrical appliances, and other products used on the farm and in the farm home. When our volume of refined fuels reached above 50,000,000 gallons a year, and when margins in the retail field began to dwindle, members and directors saw the need for a refinery of their own.

Even though retail distribution was the least profitable field of the petroleum industry, major oil companies still were making enormous profits out of crude oil production, refining, and pipeline transportation. Directors and members felt that C. C. A. should claim for consumers the savings to be made in those fields, so members of the board voted, in the summer of 1938, to build a refinery at Phillipsburg, in northwestern Kansas. Later they voted to build a 70-mile pipe-line connecting the refinery with oil wells in three nearby counties. It was the first cooperative pipe-line in the world and the first cooperative refinery in the United States. The 3,000-barrel plant, now turning out 11 different kinds of refined fuels, and the connecting pipe-line, represent an investment of some \$850,000.

The plant not only gave a degree of balance to a purely agricultural economy, but it also furnished employment to a great number of men during construction and to 90 men regularly after it was placed in operation. Oddly enough, employment in the consumer cooperative movement has expanded rather steadily throughout the depression. Besides these things, the coming of the refinery resulted in the construction of new homes in Phillipsburg, the drilling of new oil wells nearby, the creation of a market for 90,000 barrels of crude oil a month, increased payments to farmers from whose wells the oil was taken, a greatly improved business condition throughout the whole region, a region which had been hard hit by drought.

Someday we hope to set out in book form the dramatic difficulties we had in getting a contractor to build the refinery. Someday we want to tell in full the story of our difficulties in getting sufficient crude oil after the new refinery was placed in operation, difficulties which, before they were solved, required us to spend \$45,000 for 22 miles of additional pipe-line. It will, we believe, make an interesting sidelight on the tactics of major oil companies.

The quest of big business for profits, by the way, is at the base of nearly all the international complications that flare into the headlines. The recent revelation of the New York Herald Tribune of the connection between Capt. Torkild Rieber and Dr. Gerhard Alois Westrick, Hitler's ambassador-off-the-record to United States businessmen, is a case in point. Rieber, chairman of the board of the Texas Corporation, a major oil company, was forced out when the spotlight of pitiless publicity was turned on his alleged relationship with the Nazi envoy. Rieber is the man, by the way, who furnished Fascist Franco with petroleum products, during the civil war there, in return for a virtual monopoly of that country's oil business.

Contrast, if you will, the peace-loving cooperative movement with the peace-disturbing combines. The co-ops are interested in exchange of goods to serve human need, without profit. The combines are interested in profit primarily, even at the expense of exploiting other peoples to get it. A system which is based upon the high principle of service has the ability to coax out the good in people, according to Albin Johansson, of Sweden, while a system based upon a desire for profit, upon gain at the expense of others, must influence people in exactly the opposite direction. I agree.

Consumers will pay for the 92-mile pipe line in a few years merely by charging themselves the same rate for every barrel of crude oil flowing through it that a privately owned company would collect for a similar service. They will pay for the refinery in a few years by selling refined fuels to themselves at the going

price—the price they'd have to pay other refiners. They've paid for other pipe lines and other refineries many, many times in the past 25 years, but they've never acquired title to them. This time they're on the high road to unencumbered ownership through their day-to-day purchases from their own cooperatives. Today they are in position to make savings in pipe-line transportation, in the transportation of refined products, in refining operations, and in retail distribution.

Late last month, members of C. C. A. took the fourth and final step into the petroleum industry—they purchased an interest in a 160-acre lease near their cooperative pipe line. This lease has one 400-barrel-a-day well producing crude oil now. There are 10 wells producing 42-gravity oil on three sides of this tract. Through its Cooperative Oil Producing Association, a subsidiary, C. C. A. will drill three wells immediately, and perhaps four more later. Crude oil is a farm product as much as wheat, corn, or cotton, and it is being produced in 90 of the 105 counties in Kansas. Heretofore it has been piped away to enrich a few men. Oil produced cooperatively will go toward making life and living a little better for thousands of consumers. If the field develops, as we feel sure it will, we will then have an integrated set-up extending into the principal phases of the petroleum industry—a complete, efficient, compact unit.

The wells yet to be drilled, if they prove to be producers, will pay for themselves out of the crude oil they furnish to the cooperative refinery. It may be the beginning of a production program which will eventually furnish the refinery with all its requirements. However, the State has an Oil Proration Act which at present allows a well to produce only about 2 percent of its potential. That is, if a well can produce 400 barrels a day, the allowable under present regulations would be around 8 barrels per day. The State makes no attempt to regulate drilling of oil wells, but does restrict their flow once they have been brought in. And it does it all in the name of conservation.

The first cost of launching factories must be met, of course, but the difference between the cost of a product and the selling price—the thing known in privately owned business as profit—is the margin that enables consumer cooperation to pay for factories of their own. Because profit is an overcharge that is taken in addition to the cost of a product after all other charges have been met. Cooperatives recognize it as an overcharge and use it to capitalize new industries, or enlarge present facilities and services, or return it to members in proportion to their purchases.

A new decade began January 1, 1940. In the past decade of depression, members of C. C. A. have built an oil-compounding plant, a grease plant, a paint factory, a refinery and pipe line, and an oil-producing association in addition to making substantial savings otherwise. What can they do in this decade? Their progress should be substantially greater because the effect of cooperative building is cumulative, like a snowball rolling downhill. Savings from the various factories make it easier to take the next step into production when the volume of consumer purchasing warrants it.

The keyman in the picture is the consumer and what he does with his buying power. When he spends his dollars he is casting his economic ballot. He can spend them to build assets for others, or he can spend them to build cooperative assets for himself and his fellows. If he elects to help the type of business in which he has no voice and no vote, he cannot logically complain about wealth concentration, the ups and downs of the business cycle, or of the other evils that exist in the competitive business world. He is voting every time he makes a purchase, and the way he votes determines what businesses shall grow and prosper and what businesses shall languish and die.

The people of Sweden have given their answer already. Some 635,000 families or 2,000,000 persons, in a country of slightly more than 6,000,000 persons, are buying through cooperatives. Without the aid of a single antitrust statute, they have learned to control monopoly prices and to break trusts once and for all by the simple expedient of using cooperative savings to build cooperative factories. In England, some 8,404,000 members are buying at a saving through cooperatives—and they own close to 200 factories. The annual dividend of British co-ops is roughly \$125,000,000. Think of the factories that sum would build every year.

In Scotland, the Scottish Cooperative Wholesale Society numbers 900,000 families in the membership of its retail societies—three-fifths of all the Scots in Scotland. In any one of the three countries it is possible to buy nearly any material need from the cradle to the grave through cooperatives. Factory after factory, built out of the savings of members, are bringing them millions of dollars a year and are operating to keep prices in line with buying power. They were built out of the patronage of consumers. The simple act of making everyday purchases on the part of millions of people, and always at the co-op, have built these consumer-owned institutions.

Other regional cooperative wholesales in the United States are moving forward into manufacturing and processing at a rather steady pace. There are feed and flour mills in various areas, a coffee-roasting plant, three refineries, a number of fertilizer plants, a tractor and power-farming-equipment factory, and many other enterprises turning out products for the cooperative movement. Another encouraging sign is the way producer and consumer cooperatives are working together, with consumer groups furnishing valuable and dependable outlets for producer groups. There will be more and more of such economic collaboration as time goes on.

Factories are free to consumers who combine their spending power back of their own cooperatives. And there's no good stopping place. One step leads logically to another. One factory is often comple-



mentary to another. The Scots found, for example, when they began their cooperative burial service that it increased the volume of business of its draperies department, of its wood-working department, and that chips of stone from its monument department made excellent paving blocks. That sounds suspiciously like a Scottish joke, but I'm told on excellent authority that it's true.

Starting in 1929 with only \$3,000 capital, and with consumer incomes at a low ebb during most of the intervening years, the North Kansas City Wholesale has made a modest start in the field of manufacture. Most of the goals in our first 5-year plan were realized. We are writing another 5-year plan now which will be submitted to members next month. Among other things, it calls for crude oil production, and we have made the start already; additional refineries when found advisable; a flour mill, feed mill, and bakery whenever volume justifies; the manufacture of salt from salt beds which underlie the cooperative refinery; a battery plant, a soap factory, and a cooperative printing plant.

These are to be regional undertakings for the most part. However, the day is not far distant when National Cooperatives, Inc., should make a start in the field of manufacture, in my opinion. It might be a tire factory, because the combined tire and tube volume of the various wholesales would perhaps warrant a start in the not-distant future. Or it might be some other commodity carried generally by the wholesales. Once such an enterprise was launched, it would pay for itself in only a few years. Factories are free for cooperators, whether on a regional or national basis, and they're the lifeblood of the movement. And I can think of no other one thing that would tend to give the national movement greater cohesion than to enter manufacturing in one or more fields.

The productive works already built by the consumer cooperative movement in the United States undoubtedly are but the forerunners of other and larger factories to be owned by consumers. These plants, fine as they are, must be only the beginning. The world is at war again. Peace is its great need, and this is a movement that makes for peace and plenty. We must continue to build. The nonsense of racial supremacy is sweeping the world again, and this is a movement that all men may join freely regardless of race, color, or creed. We must continue to build. Millions in our land are living close to the borderline of want, with many in dire need. They need this movement just as much as the 28 poverty-stricken weavers of Rochdale. We must continue to build. The rise of dictatorship in many lands is a warning to us that we must build an economic basis that will support our political democracy, and cooperatives are democratic instrumentalities. We must continue to build.

Each of us, no matter what his job may be, is helping build the world of tomorrow. Although I am no prophet, although forecasting is hazardous, I am confident in my own mind that the world of tomorrow will be one in which the cooperative way of life, the cooperative way of doing business, shall play a leading role.

Mr. Speaker, I do not, I cannot contend that through an expansion of the cooperative movement among the people, all the problems of this Nation will be solved. I believe that the establishment of a scientific and constitutional monetary system is likewise necessary if industry and agriculture are to go continuously forward, if unemployment is to be overcome, and if the burden of debt is to be gradually lightened instead of becoming a more and more insufferable yoke about the neck of our people.

But what I do contend is that this cooperative movement is 100 percent constructive, that it is the one movement I know of that develops out of its own experiences an unselfish rather than a self- or group-centered spirit and interest, and that upon it can be built a new hope for all America, a hope that is akin to the hope of the pioneer who crossed trackless wastes to seek new and fertile lands, a hope of ownership, of clear possession of the means of a better life—but a hope which once realized shuts the door of equal hope in no neighbor's face, but rather opens the door for him.

I ask the passage of no law, the granting of no special privilege for cooperatives. I only bespeak your interest, your constructive encouragement, your thoughtful—yes, even perhaps your prayerful consideration of this great consumer-cooperative movement.

Mr. Speaker, I ask unanimous consent that in connection with my speech I may have permission to include a speech by Mr. Howard A. Cowden, president of the Consumers' Cooperative Association of Kansas City, Mo., delivered at the convention of the Cooperative League of America in Chicago on October 17 of this year.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, the gentleman spoke about the benefits of cooperation. Does the gentleman believe that the farmer and the farmer's

son should have the right to work on these defense projects without paying tribute?

Mr. VOORHIS of California. I think anybody has the right to work on defense projects, but that has nothing to do with the speech I made today.

Mr. HOFFMAN. It is cooperation.

Mr. VOORHIS of California. The speech I made today is on a subject that I felt the gentleman from Michigan may be interested in, a constructive approach to these economic problems, upon whose constructive solution so very much depends.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. PIERCE. Mr. Speaker, reserving the right to object, where there has been one successful cooperative, there have been many failures, resulting from the men who control the lines, in which they are trying to cooperate to their mutual advantage, and they are prevented by the people who control. Is the gentleman not aware that the failures are many more than the successes?

Mr. VOORHIS of California. The gentleman has reference to cooperative electric lines?

Mr. PIERCE. Yes.

Mr. VOORHIS of California. I know the struggle they are up against. I am familiar with that. What I have reference to in this speech is the whole cooperative idea, not only in connection with electricity, but also in connection with the buying, selling, and production of commodities and things of that sort.

Mr. PIERCE. Is the gentleman not aware of the fact that it is almost impossible for the people to combine in many lines of activity? For instance, would there have been any rural electrification in America had not the Government stepped in and put over the R. E. A. projects in the United States? Could the people have done that themselves?

Mr. VOORHIS of California. Certainly I am very earnestly in favor of the R. E. A. projects and of the Government's aid to them in the form of loans, but I believe the gentleman will concede the fact that the cooperative feature has been very important.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

The SPEAKER pro tempore. Under special order, the gentleman from California [Mr. LELAND M. FORD] is recognized for 10 minutes.

#### SUBVERSIVE ACTIVITIES

Mr. LELAND M. FORD. Mr. Speaker, last Monday I had the privilege of addressing the House for 1 minute, during which limited time I tried to bring before the House some of the conditions that exist on the Pacific coast with reference to strikes, sabotage, un-American activities, and subversive organized effort to destroy our national-defense program. In that limited time of 1 minute, of course, I could not very fully cover this subject, but just to speak of some of the high lights in that section and again draw attention to Harry Bridges, who should long ago have been deported.

I think if the whole matter is fully gone into you will find that Harry Bridges has been the moving spirit back of most of these strikes and un-American activities.

It does seem peculiarly singular that this man can remain in this country in spite of all that has been said about him, in spite of the things that he has done, and in spite of the efforts of this very Congress itself to have him deported.

As you already know, this House passed the bill to deport Harry Bridges by a vote of some 343 to 40. This certainly was a nonpartisan question and certainly was the result of thought after much time and study had been given to Mr. Bridges' record. Many have read the Landis whitewash report and all any open mind has to do is to again read this report and see the admissions that Harry Bridges makes, see where he has sought aid and has given aid to subversive interests, see what he says about disrupting industry in this country, see what his plans and moves are, and if one has any mind whatsoever the connection may be seen between his

activities and all this unrest. We may ask the questions, Does Harry Bridges have to come into Washington and actually wreck the Capitol, the Government itself, the Constitution, the Bill of Rights, before our officials who are supposed to carry out their duty will actually admit that there is something wrong? Who is it who gives this protection to a man of this character, who is not a citizen of this country, who is an undesirable alien, who has indulged in perjury, law-breaking, disturbing the peace, violating the rights of the public, the individual rights of our people themselves who are workers, the rights of all our industrial concerns, and who, according to the statement in the RECORD by the gentleman from Missouri, Congressman ARTHUR ANDERSON, may be guilty of conspiracy to murder, guilty of sabotaging the steamship *Pennsylvania*, and still can remain in this country? I ask why, and who, and would like these questions answered.

I think, in a great measure, the welfare and safety of this country not only depends on having these questions answered but it also depends upon our properly authorized officials carrying out their duty without political consideration or any other consideration. It appears to me that this ruthless element, among whom may be classified the Communists, the Nazis, and the Fascists, who would destroy this country, is being given an undue and illegal protection, that the laws are being stretched, and technicalities resorted to to protect them. While, on the other hand, it might appear that the Attorney General is going to great lengths to carry out a program that parallels, in some respects, the ideas of these Communists, Nazis, and Fascists. I refer distinctly to the things that the Attorney General is doing, particularly in my community, namely, the institution of a suit to overturn the titles to our California tidelands. I mention this because the Supreme Court decisions are against him. I ask the following question of the Attorney General and for the benefit of this entire Congress. Is it his idea to write a new kind of law, through new Supreme Court decisions, that will destroy the titles to the lands, first in California and then in all of the remaining States wherein they have tidelands? The Attorney General can find time to do this, but he cannot find time to deport a man like Harry Bridges, who should be deported, nor find time to first cancel the citizenship papers of Fritz Kuhn, in spite of the fact that we have some 54 precedents whereby this may be done. I ask again, Why is it that these men, who have as their motive the destruction of this country itself, receive this protection?

It appears also to me that this Attorney General can, when he so desires, actually deport people, and I call your attention to the recent deportation proceedings against Mrs. Browder, and while at the same time I am holding no brief for Mrs. Browder or anyone who may belong to the Communists, Nazis, or Fascists, the fact remains that where this Attorney General wants to take action against people, where there is far less evidence than against Harry Bridges or Fritz Kuhn, he can accomplish his purpose. I ask again, Why is it that he can find time to enter into this program of harassing and prosecuting on technicalities, oil companies, private interests who own tidelands, cities, counties, and States who own tidelands, and many other companies who are working on national-defense orders, and not find time to send out of this country such men as Harry Bridges, Fritz Kuhn, and many others, but slips out of taking action by making dubious explanations and giving technical answers.

We all know that there are some 800 undesirable and dangerous aliens that have received the protection of Mme. Perkins by her refusal to carry out deportation proceedings, nearly all of whom are engaging in subversive activities, preaching a doctrine of destruction of this Government, spreading a propaganda for slowing down, hampering, and injuring our national-defense program, with the ultimate object of finally destroying that defense program if they are able. Why is it this Department cannot go into this necessary thing and deport those who are hurting us more than anything else and slowing down more than anything else our defense program?

Who are these people, to have this protection from officials of the United States Government itself? When we stop to

contemplate this question while this program is carried along so consistently, and these people are being protected so consistently, is there any reason why we should not think that these officials are working hand-in-hand with these subversive interests? I hesitate to make such a charge as that, but I am only using my reasoning powers to put two and two together, and to say to our Attorney General and to Mme. Perkins, that the people in this country are fast coming to the same thought that I have developed here. And in this same connection, I would like to draw attention to these officials, that in the long run they must know that the people of the United States and the personnel of this Congress are not going to stand for any such program.

Now, if these thoughts are different than the thoughts, or are different than the intentions, that our governmental officials have, the best way to dissolve these thoughts is to take action, and then, by their action, we will know what they mean. Up to now, in my opinion, their lack of action has been very suspicious, and in my own particular case has developed the thought that they, at least, were acting with those subversive interests against the interests of the United States as a whole.

Now, let us take a look at our picture. Out on the Pacific coast we have the steam schooner strike, now in its sixth week, retarding the expansion of aircraft construction plants requiring lumber, and otherwise interfering with our defense industry and program.

The Vultee aircraft strike, stopping production of training ships for the Army, for the alleged purpose of securing higher rates of pay, but with the evidence now in the hands, admitted by the Attorney General of the United States, that the communistic and subversive influences are at work here. Minimum wages put forth as a major reason is only a smoke screen, and their real purpose is to destroy and to stop our defense program.

Another incident is the strike in the Lacy Manufacturing Co. plant, which results in delay in the construction of the first large Navy auxiliary ship to be built at Los Angeles harbor and now under contract.

Another is in connection with the construction of mosquito-fleet boats, auxiliary to the Navy, and upon which delivery is requested at the earliest possible moment, now threatened by a strike which would tie up the small boat builders at Los Angeles harbor who have these contracts.

Why is it that so many explosions in our plants that are manufacturing the things that we need in our defense program occur, so many in one day? These explosions, these accidents, this retardation of our industrial defense program are spreading like a cancer, with the ultimate object to destroy not only the body of our national-defense program but the country itself, with all of the institutions therein, and as we look at the picture we see the officials of the country standing idly by, letting this cancer spread, and, apparently, so far as results are concerned, letting the program continue; and by the actions indicated above, in California, not only not trying to stop this spread but aiding it.

It does not make any difference whether you are Republican or Democrat, how any loyal American can stand by and see these things gradually proceed until such times as they destroy us is beyond my conception.

This propaganda used to be subtle, but as these groups, such as C. I. O., Bridges, Kuhn, Communists, Fascists, and Nazis, gain in power through the spread of their propaganda, the program is now becoming bolder and hard-boiled. Perhaps this is on account of the fact that when it has come to a show-down they have found our Federal officials without the necessary intestinal fortitude to meet conditions as they should and who either lack the desire or the intestinal fortitude to do their duty. There can only be one result from any such program, and that will be to destroy the American form of government as we have known it, to destroy our defense program, to render us helpless, and, finally, make us into one of the totalitarian forms of government, whichever one of the totalitarian forms of government happens to be the strongest when the final time arrives.



I do not believe there is any question that if this is the net result of N. L. R. B. as presently set up, N. L. R. B. must be revised according to the Smith amendments or it is going to destroy us through the control in its administration by racketeers, subversive and communistic interests. I do not want the Attorney General to misunderstand the spirit in which I speak these words, but I do want him to know that, along with myself, are many others who think enough of the United States of America to really get busy and take action on these things. The net result on Bridges' deportation so far is, as you all know, that the Bridges bill was stopped after it passed the House. In this connection, I think the question should be asked, Would this country be better off today with Harry Bridges out of it, or would it be better off with him in it spreading the propaganda of destruction of our national defense, which he is doing? Anybody who is familiar with the facts today knows that he has done more to destroy the shipping and our merchant marine, that he has done more to destroy delivery of lumber and many parts used in our national defense, than any other man; that he has gone so far as to stop the shipment of food; and this program cannot be considered anything less than destructive. What do our officials think is going to happen? Are they going to try to save this country after it has been destroyed?

It seems to me that the Attorney General has used many sugar-coated and high-sounding phrases in his explanation as to why he does not prosecute these people. It seems to me that the only answer we get from this Department is that everything is under investigation, but we never find any prosecutions that terminate in convictions.

It seems to me that the Attorney General can find time to fight the Dies committee, who are bringing forth and throwing the light of publicity upon his failures. If there is no other reason for the continuation of the Dies committee, I think that this committee should be continued because it throws the light of publicity upon either the failure of the Attorney General to act or upon his cooperation with the subversive interests.

In this same connection I want to say that I think the F. B. I. is one of the best organizations of its kind that there is, that it is capable of doing a good and full duty, but that it is limited in that which it can do by the support that the Attorney General either does or does not give it. I would like to say, too, that if there is any criticism to be directed, it should not be directed at the F. B. I., but should be directed at the Attorney General for his lack of cooperation and lack of leadership, or lack of doing his duty toward the F. B. I. itself and toward the country as a whole.

I notice in the Washington Post that Peter Fassbender, described by the gentleman from Texas [Mr. Dies] as a former Gestapo agent, would describe the full workings of the Gestapo in this country. The Attorney General says that Fassbender has long been known to the Federal Bureau of Investigation; that its files contain a detailed record of his life and of his activities down to the present time; that he has operated under 15 different aliases, in addition to the name of Fassbender; that he jumped his ship when he entered this country on August 2, 1938, the ship *Westmoreland*, of the Bernstein Line, docked at pier No. 3 in Hoboken. I submit to you that if the Attorney General knew that this man had jumped his ship and was in this country illegally, with the knowledge of him that he had, the Attorney General should then and there have deported him. What good does it avail to have the F. B. I., the Dies committee, or any other agency, develop these facts if the Attorney General does not act upon them and get these deportations? It again begins to look like the Attorney General either does not want to or is incapable of fulfilling the duties of his office. In either event, he should either resign, be discharged, or be impeached.

In my opinion, the Dies committee has done a good job. So has the F. B. I., but they have not had the support from the Justice Department to which they are entitled, and I may say to both Mme. Perkins and Attorney General Jackson, that the people of this country are fast approaching the position when they are not any longer going to tolerate their activities of not doing their sworn duty toward the people of

this country. The election is now over, and if there was any political reason or subterfuge involved, that is now out of the picture and we would like to hear from the Attorney General, not in words, but by his action in at least deporting Bridges, whose deportation would have a salutary effect on this country, and the cancellation of the citizenship papers of Fritz Kuhn, and then his deportation.

I think, too, that special attention should be given to the destroyers of industrial plants, who may be termed saboteurs, and that they should be speedily brought to justice, sentenced, and that it should be seen to that these sentences are carried out to the maximum.

Mr. Attorney General, you have an explanation and an accounting to make to 130,000,000 people, and it is by your action, not by your word, that we are going to know you.

Mr. Attorney General, there is such a thing known as patriotic performance of duty, and the whole people of the United States have a prior claim to any political consideration, particularly when this country is in such a crisis as it now is in. Can you see it that way, and, if you do, what are you going to do? [Applause.]

The SPEAKER. Under a previous special order, the gentleman from Michigan [Mr. CRAWFORD] is recognized for 5 minutes.

#### LABOR CONDITIONS

Mr. CRAWFORD. Mr. Speaker, in the Department of Labor we have what I consider to be some very capable men, but I have here a letter from a worker in Pittsburgh who mentions some of their names.

I ask unanimous consent, Mr. Speaker, to insert in the RECORD a copy of a letter issued by Hubbard & Co., of Pittsburgh, Pa., also a statement issued by the same company covering 10 provisions they have agreed to place in the labor agreement the union is seeking.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The letter follows:

PITTSBURGH, PA., November 8, 1940.

To the Employees of Hubbard & Co.:

We are entering the eighth week of this unfortunate strike. We are being swamped with calls from our employees who want to return to work. The union is still insisting that we grant a union-shop contract, thus forcing all of our employees to join the union and pay dues for the privilege of working at Hubbard & Co. We had made wage concessions before the strike started and with some granted since then, they represent a substantial advantage to the employee.

We invite you to consider carefully the wage and other concessions shown on the attached memorandum which we have offered the union representatives. The union, however, has indicated that wage increases mean nothing to them compared to the granting of the union-shop contract. The granting of a union-shop contract is a matter of principle which we cannot and will not concede. We will not agree to a union-shop contract or any form or variation of a union-shop contract. A man may work for Hubbard & Co. whether he belongs to a union or not, and no one will be required to pay dues to anyone for the privilege of working at our plant.

We have notified Mayor Scully that we intend to attempt to operate the plant if the union refuses to accept the offers we have already made them. We shall make demands upon the police for protection. If the mayor totally disregards his duty and fails to furnish police protection, we will shut the plant down indefinitely. This is our official and final decision given to the mayor of Pittsburgh.

We want to know how many of our employees are willing to return to work with the wage and other concessions listed on the enclosed memorandum. If a sufficient number of our employees indicate their desire to resume work, we will advise you when to report. Sign your name and check number on the enclosed card and mail it to us or write us your desires. Your reply will be kept confidential. Failure to reply will indicate your unwillingness to return to your job.

We are going to do everything in our power to protect our employees who want to go back to work. If the majority of them are not sufficiently interested in their jobs to be willing to return to work under these conditions, then you will have to consider your service with us terminated.

HUBBARD & Co.,  
JOSEPH V. SMITH,  
Vice President.

HUBBARD & Co.,  
Pittsburgh, Pa., November 8, 1940.

To Our Employees:

In our various negotiations we offered the union the following concessions to be incorporated in a new contract:

1. The establishment of a minimum wage for men of 62½ cents per hour equal to \$5 per day for an 8-hour day. Effective immediately.

2. The granting of a raise of 2 cents per hour to all men not affected by the raise in the minimum and will adjust the rates of any man who had not received a full 2-cent raise by the upping of the minimum. Effective immediately.

3. The granting of an increase for women to 50 cents per hour equal to \$4 per day for an 8-hour day. Effective immediately.

4. Granting of a rate of 52 cents per hour for those women who are operating machines. Effective immediately.

5. We agree to incorporate in the new contract a clause under which the union or ourselves could open up the question of wages at any time upon 10 days' given notice.

6. We agreed to revise the vacation plan so that employees would be entitled to 1 day vacation with pay for each year of service up to a maximum of 5 years, provided however, that said employee worked at least 1,040 hours during the 12 months preceding July 1 of the year in which the vacation is to be received.

7. We agreed to carefully study and establish a workable plan involving seniority and job classifications. We cannot convey complete advices on these points at this time, as the working out of this program will require very careful study. However, we promised to perfect a workable plan even though it necessitated bringing in outside practical help to assist us.

8. We insisted that wherever feasible grievances must be made in writing at least 3 days prior to the regular date for grievance meetings and the company in turn would wherever possible reply in writing on such grievances.

9. We agreed to the naming of an impartial umpire and will suggest certain names for consideration in due time.

10. We agreed to incorporate into a new contract the military clause reading approximately as follows:

"If an employee is called to serve the armed forces of this country the time lost in its relationship to seniority rights shall be fully considered."

We agreed that other provisions not covered by the above suggested changes should remain as incorporated in the last signed contract.

Mr. CRAWFORD. The gentleman who writes this letter states that being an employee of Hubbard & Co., Pittsburgh, he encloses these letters for information as explanatory matter. He says:

PITTSBURGH, PA., November 29, 1940.

HON. HERMAN P. EBERHARTER,  
House Office Building, Washington, D. C.

MY DEAR MR. EBERHARTER: Being an employee of Hubbard & Co., Pittsburgh, Pa., I am enclosing letters sent me by them, which are self-explanatory.

As this strike has kept us all out of work for the past 11 weeks, and the most of my fellow employees desire to work, we find it impossible to do so.

Being chairman of a group of employees, known as a group wishing to go back to work, I appeal to you for such help as you could render us. We have appealed our case to Mayor Scully and Sheriff Heinz, of Pittsburgh, but we have not accomplished anything.

The majority of our employees desire to return to work, but we find it impossible to do so, as our Mr. J. V. Smith will not allow any bloodshed on account of the present situation.

Mr. Dewey, the Government conciliator, forbid the C. I. O. to call a strike at Hubbard & Co., but the union defied him and acted on their own initiative and declared this strike.

Unfortunately we do not have any Government defense orders, to the best of my knowledge, and other strikes both in and around Pittsburgh have been settled peaceably, we are still taxpayers and are doing our best to get back to work so as our families can have an enjoyable Christmas.

None of us want to live on Government dole or relief, but our situation is a pitiful one.

Government Conciliators Dr. Steelman and Mr. Dewey have tried on numerous occasions to adjust this strike, but without avail, so any help which you may render us will be greatly appreciated.

I am also enclosing copies of these letters to the Honorable CLARE E. HOFFMAN, of Michigan.

Anxiously awaiting a reply, I remain  
Very truly yours,

L. A. DAUER.

Then another letter has been received from Fort George Meade, Md., which reads as follows:

I know that Fort George G. Meade, Md., is strictly a union job, because I try to get on as a steamfitter you positively have to have a union card. Also, Fort Belvoir, Va., is also a closed shop because I was down to Fort Belvoir, I saw Mr. Lucas, superintendent of construction for the Thompson & Co., he told me you have to be a union man to work here as a steamfitter or a plumber their no openings for a steamfitter, but we can use some plumbers. Why can a union on a Government job call for a closed shop? I am a steamfitter, I drop my union card due to circumstances today it is impossible to get a job without a union card. I have to pay \$220. I don't mind paying a fine of \$10, \$20 assessment, and \$100 initiation fee, if I can go to work and pay out of income. I am walking the streets looking for work when there are Government jobs going beggin at \$14. It seems a shame that a man cannot get a chance to

earn an honest living for his family. What right has a body of men to keep a man from making a living on Government projects its a crime.

Mr. Speaker, these letters indicate some of the great difficulties labor and industry and the departments of Government are up against. We may have to deal with many touching problems before we work out of the difficulties of present day. Union men, and those who are not members of unions, all have their own views and feelings. Most all of us are greatly controlled by our emotions and desires. This is a representative Government; every man is entitled to his day in court; and every worker wonders why he is not privileged to work on jobs financed by Government funds which are in turn furnished by the worker and taxpayer and without having to pay tribute to any organization or person.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, my colleague from California [Mr. LELAND M. FORD] made quite an oration on Mr. Bridges and the strike conditions in California. I believe, however, that the gentleman has failed to advise the House that the matter has been investigated by the Attorney General and the Department of Justice, and the Department of Justice has rendered a report to the Attorney General, who, I am sure, is giving the matter careful study and consideration. I have every confidence that the Attorney General will make a proper survey of the conditions about which my colleague the gentleman from California spoke. I have every reason to believe that J. Edgar Hoover and his men have made their survey honestly and fearlessly. I am sure that all the charges made here will be very soon disposed of in the proper light.

It is pathetic to see any Member attack any department heads. I have heard so much said about Mme. Perkins, that she has failed to do this, that, and the other thing. Mme. Perkins did her job in the best way the law would give her the right to do. Unfortunately, a lot of us do not realize that you cannot deport even the worst kind of criminal unless there is a place to send him to. I need not tell you that after the last war some aliens that should have been deported could not be deported because there were no countries to send them to. The countries were wiped out under the Treaty of Versailles, and, unfortunately, we had these criminals on our hands. Mme. Perkins could not possibly enforce some of the deportations, and the criticism against her is unjustified.

Criticism of any head of a department is unfair at this particular time, when we are trying to and should work together in the defense of our country, irrespective of political beliefs or affiliations. I do not believe it is fair at this time to make these serious charges of failure to do certain things that the law requires her to do, knowing full well that the Department has done the very thing it was supposed to do; that is, to investigate the Bridges situation and other radical conditions in this country. I am sure a satisfactory solution will be had in a report to this Congress. [Applause.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman just said it is pathetic for anyone to criticize a department of the Government at this time. I wonder just how sincere the gentleman is in that statement.

Mr. DICKSTEIN. I am just as sincere as any man in this House, including yourself.

Mr. HOFFMAN. We will admit that. Then why not be consistent as well as sincere, and why get up every day we meet when opportunity offers and jump on the Dies committee and on a fellow Member from Texas, Mr. DIES? Why do you not get together with the Dies committee instead of every day—



Mr. DICKSTEIN. I am always willing to cooperate and have offered my cooperation several times right here on the floor. How about yourself?

Mr. HOFFMAN. Instead of on every occasion defending Bridges and Mme. Perkins, why do you not get together with other Members of the House and forego criticizing those who are trying to get those Communists deported? Why not let us get together on some platform except your own?

Mr. DICKSTEIN. Why do you not talk common sense? My criticism is constructive criticism.

Mr. HOFFMAN. Fine.

Mr. DICKSTEIN. I have no objection to being criticized by you or anybody else if the criticism is deserved.

Mr. HOFFMAN. Now, you have had your say.

Mr. DICKSTEIN. And I will have my say whenever I want to have it.

Mr. HOFFMAN. By a vote of more than 3 to 1 the House turned down your judgment as to the value of the Dies committee on three occasions. Now, why do you not get together with the majority of the House instead of so often as you did last Thursday, November 28 (RECORD, pp. 13769-13770, inclusive) speaking against the gentleman from Texas [Mr. DIES] and the so-called Dies committee?

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Mr. Speaker, I yield back the balance of my time.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I have never opposed the Dies committee; neither have I appeared on the floor opposing it. I was responsible for bringing it out of the Rules Committee. I presented all the evidence before the Rules Committee. The gentleman from Texas, Representative DIES, has not presented one single document before the Rules Committee, or made one single talk in behalf of that resolution. I am not criticizing the gentleman from Texas, Representative DIES. I want him to do his duty and bring in some laws to rid this country of all the subversive elements in this country instead of giving us this "ballyhoo" we have been receiving from the committee for 2 years. The gentleman is unjust when he asks why am I not consistent. I think it is unfair for him to make that statement. I am consistent, and you should be more consistent because you have been so contradictory that I was not able to keep up with your arguments in the last year.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. DICKSTEIN. If I have the time, I will be glad to yield.

Mr. HOFFMAN. You say you have not opposed the Dies committee or criticized the gentleman from Texas, Representative DIES.

Mr. DICKSTEIN. Not until recently, when it became necessary. I have helped to bring that resolution out. I brought it out with my own efforts, with my own material, and with my own evidence, and I did not oppose it and I did not oppose the appropriation, but I serve notice on the House now that unless something is done I am going to oppose it. [Here the gavel fell.]

#### ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

Mr. HOFFMAN. Mr. Speaker, I object.

#### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, November 29, 1940, present to the President, for his approval, a bill of the House of the following title:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or

of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

#### ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 23 minutes p. m.) the House, in accordance with its previous order, adjourned to meet on Thursday, December 5, 1940, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Tuesday, December 3, 1940, at 10:30 a. m. for the consideration of Senate private bills and unfinished business.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2038. A letter from the Secretary of War, transmitting a copy of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2039. A letter from the Secretary of War, transmitting a copy of the Annual Red Cross Report with a copy of the Annual Report of the retirement system of the Red Cross; to the Committee on Military Affairs.

2040. A letter from the Secretary of the Navy, transmitting a draft of a bill to authorize major alterations to certain naval vessels; to the Committee on Naval Affairs.

2041. A letter from the Acting Secretary of the Navy, transmitting a report of contracts negotiated pursuant to the provisions of section 4 of Public, No. 43, Seventy-sixth Congress, during the period commencing with April 25, 1939, and ending with June 10, 1940; to the Committee on Naval Affairs.

2042. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill for the relief of disbursing officers and certifying officers and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status of Government employees; to the Committee on Claims.

2043. A letter from the President, Commission on Licensure Healing Arts Practice Act, District of Columbia, transmitting a report showing the activities of the Commission for the fiscal year which ended June 30, 1940; to the Committee on the District of Columbia.

#### REPORTS OF THE COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3071. Report on the disposition of records in the custody of The National Archives; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3072. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3073. Report on the disposition of records by the United States Attorney at Hartford, Conn., with approval of the Department of Justice; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3074. Report on the disposition of records by the United States marshal for the district of Nebraska, with the approval of the Department of Justice; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3075. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3076. Report on the disposition of records by the Department of Agriculture; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3077. Report on the disposition of records by the Civil Aeronautics Authority; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3078. Report on the disposition of records by the Veterans' Administration; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3079. Report on the disposition of records by the Interstate Commerce Commission; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3080. Report on the disposition of records in the custody of The National Archives; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3081. Report on the disposition of records by the Veterans' Administration; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3082. Report on the disposition of records by the Office of Education, Federal Security Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3083. Report on the disposition of records by the Public Health Service, Federal Security Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3084. Report on the disposition of records by the Department of Labor; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3085. Report on the disposition of records by the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3086. Report on the disposition of records by the Treasury Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3087. Report on the disposition of records by the Treasury Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3088. Report on the disposition of records by the Department of Commerce; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3089. Report on the disposition of records by the Department of Labor; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3090. Report on the disposition of records by the Federal Trade Commission; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3091. Report on the disposition of records by the Department of Agriculture; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3092. Report on the disposition of records by the War Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3093. Report on the disposition of records by the War Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3094. Report on the

disposition of records by the Treasury Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3095. Report on the disposition of records by the Department of State; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3096. Report on the disposition of records by the Work Projects Administration, Federal Works Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3096. Report on the disposition of records by the Work Projects Administration, Federal Works Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 3098. Report on the disposition of records by the Work Projects Administration, Federal Works Agency; without amendment. Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 10709. A bill authorizing the appointment of certain persons as second lieutenants in the Regular Army Air Corps; to the Committee on Military Affairs.

By Mr. BROOKS:

H. R. 10710. A bill to equalize the rates of pay of commissioned officers of the United States Army; to the Committee on Military Affairs.

By Mr. EBERHARTER:

H. R. 10711. A bill declaring the Thursday next preceding the last Thursday in November of each calendar year as Thanksgiving Day; to the Committee on the Judiciary.

By Mr. FORD of Mississippi:

H. R. 10712. A bill to permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Miss.; to the Committee on the Public Lands.

By Mr. HORTON:

H. R. 10713. A bill to grant vacant, unreserved, unappropriated lands to accepting States, and to authorize the disposition of certain areas of public domain; to enable the United States, the States, and individuals to exchange lands for the consolidation of mingled areas, and granting lands to certain States to achieve that purpose; to provide for continuance to expiration of existing permits or leases; to provide for the control, disposition, and protection of stock-watering places and of intrastate and interstate stock driveways, and for other purposes; to the Committee on the Public Lands.

By Mr. SUMNERS of Texas:

H. J. Res. 618. Joint resolution extending the time for submitting the final report of the Temporary National Economic Committee; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 10714. A bill for the relief of Mateo Castellvi (Bartolomé), his wife Pilar Casal de Castellvi, his sister Carolina Castellvi (Bartolomé), his son John Castellvi (Casal), and his daughter Pilar Castellvi (Casal); to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Maryland:

H. R. 10715. A bill for the relief of David Stiefel; to the Committee on Claims.

By Mr. O'TOOLE:

H. R. 10716 (by request). A bill for the relief of Wolf Maurer; to the Committee on Immigration and Naturalization.



## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9393. By Mr. CASE of South Dakota: Petition of Alfred Night Pipe and others, appealing to Congress for exemption from the operations of the Wheeler-Howard Act of June 18, 1934, that sections 1, 2, 14, and 15 of the Indian Reorganization Act be protected from the act; to the Committee on Indian Affairs.

9394. By Mr. ENGEL: Memorial of Irene Miller, of Mesick; Mrs. A. B. Marsh, of Falmouth; Ethel Goettler, of Ferry; Juna V. Turner, of Newaygo; Effie Germiquet, of Ravenna; Leota Corrie, of Fremont; Mrs. Niels Christensen, of Grant; and 222 others of the Ninth Congressional District of Michigan, urging the President and Congress to withdraw from all entanglements that might lead to war on foreign soil; to the Committee on Foreign Affairs.

9395. By Mr. HOFFMAN: Petition of Nellie Long and other citizens of the Fourth and other Congressional Districts, protesting against actions which might lead to the United States becoming involved in a foreign war; to the Committee on Foreign Relations.

9396. By Mr. MARTIN J. KENNEDY: Petition of the Medical Society of the County of New York, N. Y., concerning an Army regulation in August 1940 which provides that only graduates from accredited grade A American and Canadian medical schools will be acceptable for commissions in the Medical Corps of the Regular Army and the Reserve of the United States, and expressing their opposition thereto; to the Committee on Military Affairs.

9397. By Mr. WOODRUFF of Michigan: Petition of the women of the Michigan State Grange, urging withdrawal from all entanglements leading to wars on foreign soils, and expressing the willingness to sacrifice for the protection of America, but not for the protection of American interests or other interests in foreign countries; to the Committee on Foreign Affairs.

9398. By the SPEAKER: Petition of the Alameda County Industrial Union Council, Oakland, Calif., petitioning consideration of their resolution with reference to slum clearance; to the Committee on Banking and Currency.

## SENATE

THURSDAY, DECEMBER 5, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal God, Who dost reveal the fuller life in us only in our well-doing, help us in dutiful loyalty, often so difficult to maintain, to persevere in the effort to attain unto that which seems unattainable, as, day by day, we are confronted with new and ever-changing tasks. Give to us persistence in hope when the outlook is forbidding, persistence in love when love meets with little or no response; and strengthen us that we may run with patience the race that is set before us, looking unto Him who is the Author and Finisher of our Faith.

O most merciful Father, who, through Thine own dear Son, hast entered into the suffering, pain, and woe of all Thy children, we beseech Thee to look with compassion upon all who must endure the miseries of this cruel war, those who, by night and by day, are constantly imperiled, and grant unto them a speedy deliverance out of all their troubles.

O God of Justice, abase the men of violence who have wrought such havoc and disaster upon the earth. Bring them and their followers to repentance, that the eternal message of Thy Son, "Peace on earth," may be heralded by "men of good will" to the ushering in of a new age of national and international righteousness. Through Jesus Christ our Lord. Amen.

## THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, December 2, 1940, was dispensed with, and the Journal was approved.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The message also announced that the House had passed a bill (H. R. 9683) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, and it was signed by the President pro tempore.

## CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of ALBERT BENJAMIN CHANDLER, duly chosen by the qualified electors of the State of Kentucky a Senator from that State for the remainder of the term of the late Senator Logan, which were read and ordered to be filed.

He also laid before the Senate the credentials of ABE MURDOCK, duly chosen by the qualified electors of the State of Utah a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HENRY SHIPSTEAD, duly chosen by the qualified electors of the State of Minnesota a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of GEORGE L. RADCLIFFE, duly chosen by the qualified electors of the State of Maryland a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

## TRIBUTES TO THE LATE SENATOR PITTMAN

The PRESIDENT pro tempore. The Chair invites attention to the fact that the Secretary of the Senate has received from the State Department a number of communications from various countries noting the demise of our beloved colleague, Senator Pittman. In these communications the senders express their regrets at the loss which our country has sustained and tender their sympathy. The communications will lie on the table.

The messages of condolence received by the Department of State upon the occasion of the death of the Honorable Key Pittman, late Senator from Nevada and chairman of the Foreign Relations Committee of the Senate, are from—

The Honorable Dimitri Naoumoff, Minister of Bulgaria;

His Excellency Señor Dr. Pedro Martínez Fraga, Ambassador of Cuba;

Señor Don Guillermo Gazitúa, Chargé d'Affaires ad interim of Chile;

The Honorable Señor Don Andrés Pastoriza, Minister of the Dominican Republic;

The Honorable Señor Dr. Don Hector David Castro, Minister of El Salvador;

The Honorable Robert Brennan, Minister of Ireland;

The Honorable Dr. Alfred Bilmanis, Minister of Latvia;

His Excellency Señor Dr. Don Jorge E. Boyd, Ambassador of Panama;

The Honorable William Dawson, American Ambassador to Panama, quoting resolution of Panamanian National Assembly;